United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, THURSDAY, APRIL 25, 1996 No. 55

House of Representatives

The House met at 10 a.m.

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

We accept Your good graces, O God, though we know we miss the mark; we appreciate the wonders of Your world, though we are busy with what is immediate and necessary; we yearn for the blessings of faith, though we don't always understand. Above the demands of the day and more important than all we do, we offer our thanks and praise for the gifts of this day and the hopes and dreams of tomorrow. Amen.

THE JOURNAL

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

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

Mr. CARDIN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. CARDIN. 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. 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 338, nays 56, answered ''present'' 1, not voting 31, as follows:

[Roll No. 132]

YEAS—338

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Farr
Fattah
Fawell
Fields (LA)
Fields (TX)
Flake
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Herger
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torricelli
Towns
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
White
Wicker
Williams
Wise
Woolsey
Wynn
Young (FL)
Zeliff

NAYS—56

Abercrombie
Becerra
Borski
Clay
DeFazio
Dornan
Ensign
Everett
Fazio
Filner
Flanagan
Funderburk
Gephardt
Gibbons
Gillmor
Gutierrez
Gutknecht
Hall (OH)
Hefley
Heineman
Hilleary
Hilliard
Jacobs
Johnson, E. B.
LaFalce
Lantos
Latham
Levin
Lewis (GA)
Lipinski
Maloney
Markey
McDermott
Neal
Oberstar
Olver
Owens
Pallone
Pickett
Rush
Sabo
Skaggs
Stark
Talent
Tejeda

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper containing 100% post consumer waste

Thompson	Visclosky	Wolf
Torkildsen	Volkmer	Yates
Velazquez	Waters	Zimmer
Vento	Weller	

ANSWERED ''PRESENT''—1

Harman

NOT VOTING—37

Brown (CA)	Kennedy (RI)	Roth
Brown (FL)	Largent	Saxton
Chapman	LaTourette	Schroeder
Coleman	Lincoln	Slaughter
Collins (IL)	Livingston	Smith (NJ)
Collins (MI)	Manton	Stockman
Crane	McCrery	Taylor (MS)
Diaz-Balart	McDade	Torres
Ewing	Menendez	Whitfield
Foglietta	Obey	Wilson
Frank (MA)	Peterson (MN)	Young (AK)
Gunderson	Pombo	
Johnson, Sam	Rangel	

□ 1025

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

Ms. HARMAN changed her vote from ''yea'' to ''present.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

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

Mr. WYNN 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3055. An act to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

□ 1030

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1996.

Hon. NEWT GINGRICH,
The Speaker,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the unofficial election returns received from Julian R. Manelli, Deputy Administrator, Maryland State Administrative Board of Election Laws, indicating that, according to the unofficial returns of the Special Election held on April 16, 1996, the Honorable Elijah E. Cummings was elected to the office of Representative in Congress, from the Seventh Congressional District, State of Maryland.

With warm regards,

ROBIN H. CARLE.

STATE ADMINISTRATIVE BOARD
OF ELECTION LAWS,
Annapolis, MD, April 17, 1996.

Ms. Robin H. Carle,
Clerk, U.S. House of Representatives,
Washington, DC.

DEAR MS. CARLE: Pursuant to your request I am faxing to you the unofficial election results of the 1996 Special Election held on April 16, 1996 in the Seventh Congressional District to fill the vacancy created by the resignation of Congressman Kweisi Mfume.

Should you need additional information please contact this office.

Sincerely,

JULIAN R. MANELLI,
Deputy Administrator.

DEMOCRATIC PARTY

(D) Elijah E. Cummings, 2014 Madison Avenue, Baltimore, MD 21217, Baltimore City.

(WI) Barry Patrick Farley, 429 West 23rd Street, Baltimore, MD 21211, Baltimore City.

Counties	Cummings	Farley
Baltimore City	13,942	0
Baltimore County	3,970	24
Total	17,912	24
Percent of total votes	99	1

REPUBLICAN PARTY

(R) Kenneth Kondner, 6610 Windsor Mill Road, Baltimore, MD 21207, Baltimore County.

Counties	Kondner
Baltimore City	1,061
Baltimore County	3,070
Total	4,131
Percent of total votes	100

SWEARING IN OF THE HONORABLE ELIJAH E. CUMMINGS OF MARYLAND AS A MEMBER OF THE HOUSE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland, Mr. ELIJAH E. CUMMINGS, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no objection has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Speaker, I would ask, if I might, for the distinguished gentlewoman from California, NANCY PELOSI, to join us, with the gentleman from Maryland, Mr. CUMMINGS. She is a sister of the former mayor of Baltimore, and a distinguished daughter of the city which Mr. CUMMINGS will represent.

There was no objection.

The SPEAKER. The distinguished gentlewoman from California [Mr. PELOSI] will be welcome in the well, along with the Maryland delegation.

If the delegation will join the Member-elect.

Mr. ELIJAH E. CUMMINGS appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the U.S. House of Representatives.

WELCOMING THE HONORABLE ELIJAH E. CUMMINGS TO THE HOUSE OF REPRESENTATIVES

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

Mr. HOYER. Mr. Speaker, it is my great honor and privilege, on behalf of all of my colleagues in the Maryland delegation, to first welcome two of America's most outstanding leaders who have represented the Seventh Congressional District which the gentleman from Maryland [Mr. CUMMINGS] now represents.

They are our friends, they were our colleagues, they are great Americans: The Honorable Parren Mitchell, our former colleague; and another example of the extraordinary quality that the constituents of the Seventh District sends to the Congress of the United States, the president and chief operating officer of the NAACP, our former colleague and great American, Kweisi Mfume.

Mr. Speaker, I have the opportunity to introduce to the House their newest colleague. He is the son of Rev. Ruth Cummings and Rev. Robert Cummings. Mr. Speaker, before I make my brief remarks and yield to the minority leader, I would like to acknowledge Senators SARBANES and MIKULSKI, who have joined us from the other body.

Mr. Speaker, although under the rules I cannot recognize them as being in the gallery, and I shall not do so, it has been brought to my attention that the distinguished Speaker of the Maryland House of Delegates, Casper Taylor, will be able to hear my words. Mr. Speaker; with all due apologies to our distinguished friend, Mr. JOHNSON.

Come walk with me. Come walk with me. I say these words with reverence to our newest Member of the House. These are his words, his words which have been spoken often in the chambers of Annapolis, and which I know will be spoken often here to us. Words like these are not heard often enough these days. It is more often ''Come fight with me.''

But these words represent the heart of what ELIJAH CUMMINGS is all about: A consummate legislator, a dedicated public servant, a consensus builder, a fighter for what is right; a man, as you will all find, of drive and determination, a man who has ascended to leadership through integrity, hard work, and a belief in the good in mankind.

Born in Baltimore City, a graduate of City College in Baltimore, a graduate

of Howard University, where he was president of the sophomore class, junior class, and student government. He graduated, as Members will not be surprised upon knowing him, Phi Beta Kappa. He graduated from the University of Maryland Law School.

ELIJAH CUMMINGS comes to the House with a vast background in working closely in his community, particularly as a mentor and Big Brother to the young people of his city and his community. He is a father figure to many, and always has hoped in time to find the one golden glimmer which will help turn a youth's life around. As an advocate for youth, he is unshaken.

I recall over a year ago when then-Delegate CUMMINGS was accosted outside his Baltimore home and ordered to lie face down on the street while being robbed. Even through this terrorizing experience, he was and remains undeterred, and has never given up his faith in youth.

His service the past 14 years with the Maryland General Assembly, where he was the first African-American in the history of our State to be elected Speaker pro tempore, the No. 2 position in the House of Delegates, has brought him recognition by his colleagues, as well as being one of its most effective members.

ELIJAH CUMMINGS brings the same talent, drive, and personal conviction as his predecessors who I have previously introduced. I encourage you, ELIJAH, to use your spirit of good will in reaching out to all of us to come walk with you.

Join me in welcoming our newest colleague, an extraordinary human being, the gentleman from Maryland, ELIJAH E. CUMMINGS.

Mr. Speaker, I yield to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I thank my colleague. On behalf of all of our colleagues, Democrat and Republican as well, I rise to recognize and welcome our new colleague, the gentleman from Maryland, ELIJAH CUMMINGS. As the gentleman from Maryland, STENY HOYER, has said, this new Member has very big shoes to fill, and those shoes are represented by the two former Representatives in this district who are here today, and we are honored by their presence.

As STENY has said, this young man was born and raised in the same city he now serves, the city of Baltimore. He knows the neighborhoods, the schools, the stores and the churches, because he lived among them all of his life. He has never lost his passion for building a better Baltimore, for giving something back to the city and community that has given so much to him.

As STENY said, he took his Phi Beta Kappa degree from Howard University and his law degree from the University of Maryland, and went right back to Baltimore, building a highly distinguished career as a lawyer, and then serving four terms in the Maryland General Assembly.

In the Maryland House he was a leader on criminal justice issues, on constitutional law, and on economic issues. After one term he was elected chairman of the Maryland Legislative Black Caucus, the youngest person ever to hold that post. Last year he was elected Speaker Pro Tem to the House of Delegates, the second ranking position in the House. His colleagues thought he did such an outstanding job they voted him one of Maryland's most effective legislators in a poll.

Beyond all these titles and accomplishments, Mr. Speaker, I believe ELIJAH will make a difference in this Congress for less tangible reasons than STENY cited: His abiding sense of decency and humanity, his ability to see the subtleties in our public problems, and his determination to pass on to the next generation the opportunities that he earned in his own life.

On behalf of all of us, Republican and Democrat alike, I am delighted to welcome the gentleman from Maryland to the 104th Congress. I think he is going to be a powerful force for progress in his State and in our country, and I know that we will count on his leadership, as Maryland has counted on his leadership, for many years to come. Welcome to the House of Representatives.

Mr. HOYER. Mr. Speaker, I yield to our colleague, the gentleman from Maryland [Mr. CARDIN], the former Speaker of the House of Delegates.

Mr. CARDIN. Mr. Speaker, let me thank my friend, the gentleman from Maryland, for yielding to me.

Mr. Speaker, in 1982 I had an experience similar to the gentleman from Maryland's of presiding over the session when ELIJAH CUMMINGS became a member of the legislature, of the Maryland House of Delegates. I had the opportunity to serve with our new colleague in the House of Delegates, and I can tell each one of the Members that they are in for a treat: a person who is dedicated to public service and dedicated to helping people.

Mr. Speaker, as we have already heard, the torch of leadership in the Seventh Congressional District has not passed very often in the last quarter of a century. ELIJAH is now the fourth person to hold that seat, with Parren Mitchell, who became a leader of this Nation on urban issues, on banking issues, and particularly small business.

Kweisi Mfume was elected a decade ago to this body, the same time I was. We became and are very close friends. Kweisi became a national leader, chairman of the Black Caucus, and has spoken out so well on so many issues. I was very proud when Kweisi was selected as the head of the NAACP. It was a great decision for that organization and for this Nation, but I lost a colleague and a friend in this legislative body.

Today I am very excited that ELIJAH CUMMINGS is taking that position. He will follow in that tradition.

□ 1045

He was an outstanding member of the House of Delegates, holding the vice chairmanships of two of our standing committees. Mr. Speaker, we only have six standing committees in the Maryland House of Delegates and ELIJAH has shown expertise in two of those. He went on to become the Speaker Pro Tem, very actively involved in the leadership of our General Assembly.

So, Mr. Speaker, it is particularly a pleasure for me to say hello and welcome my colleague for so many years in the House of Delegates, now in the Congress of the United States. I know ELIJAH CUMMINGS will add to the great tradition of the Seventh Congressional District.

Over the past quarter century, the torch of leadership has not been passed often in Maryland's Seventh Congressional District. When it has passed, the Nation has come to know that it should take notice, because Maryland's Seventh District has sent leaders of stature and vision.

In 1970, the voters of Baltimore sent Parren Mitchell to the Congress. Over 16 years in the House, Congressman Mitchell became an acknowledged expert and leader on issues finance, banking, and especially small business.

A decade ago, Congressman Mitchell announced his decision to step down. Rising up to take his seat was a young, articulate, but little known city council member named Kweisi Mfume; 1986 marked my own election to the House. Over the past decade, Congressman Mfume and I forged a strong working relationship and close friendship.

In his years in the House, Congressman Mfume rose to become a national spokesman on behalf of African-Americans and all Americans concerned about justice, fairness, and the realization of the American dream.

Congressman Mfume rose, as Congressman Mitchell had before him, to chair the Congressional Black Caucus. From that post, he used his exceptional skills as a tactistian, an orator, and as a strategist to fight effectively for the people of his district and the Nation.

Nobody was prouder than I when, this winter, the NAACP announced that Congressman Mfume would become its new CEO and President.

While I miss my good friend in this body, I am excited over the prospect of serving with the newly elected Congressman from the Seventh.

ELIJAH CUMMINGS is an honorable and able successor as the representative of the Seventh District. He brings all the dedication, intelligence, and vision that distinguished his two predecessors, and I have no doubt he will follow in their footsteps as a national leader.

Elijah and I have served together before, in Maryland's House of Delegates. I was delighted to welcome him to Annapolis in 1982 when he arrived as a new member.

In his 14 years in the State legislature, he has demonstrated a talent for legislative craftsmanship and responsiveness to the concerns of the people he represents that will serve him—and the Nation—well here in Congress. He also has a gift for building consensus and bringing people together that this body desperately needs.

His colleagues in Annapolis have recognized his leadership, as he has risen to be

chairman of Maryland's Legislative Black Caucus, the youngest person ever to attain that position.

As vice chairman of the House Constitutional and Administrative Law Committee and as vice chairman of the Economic Matters Committee, he has acquired a wealth of expertise and experience that he will now bring to bear on the considerable problems facing this Nation. Most recently, he became Speaker Pro Tem of the House of Delegates, the second highest position of leadership in that body.

I am delighted to join my other colleagues in welcoming my neighbor to the House of Representatives. I am sure he will follow in the proud tradition of his district and enjoy a long and distinguished career here in the people's House.

Mr. HOYER. Mr. Speaker, I would now like to yield to a gentleman who served with ELIJAH in the House of Delegates and then was his colleague as a member of the Maryland State senate, will now be again his colleague here in the House of the people, the distinguished Representative from the Fourth Congressional District of Maryland, Mr. ALBERT WYNN.

Mr. WYNN. Mr. Speaker, I thank my friend and colleague for yielding.

In 1983 I was elected to the Maryland House of Delegates. As I looked around the orientation, I noticed another young man who really impressed me. That man stands before you today.

So I can tell you from personal experience, having stood shoulder-to-shoulder with ELIJAH CUMMINGS, that he is a true worker for people. I do not have to tell you a lot. Let me simply say that I have watched this man and worked with this man. He has worked for economic development, but he has never forgotten the needs of the downtrodden or the less fortunate. He brings to this House tremendous compassion.

All Members need to know about ELIJAH CUMMINGS is that he is a man of tremendous sincerity, commitment, compassion, and faith in God. He will do a wonderful job for the people of the Seventh Congressional District. He will do a wonderful job for the people of this country. I am looking forward to working with him. Congratulations and welcome, ELIJAH.

Mr. HOYER. Mr. Speaker, the last person before I introduce Mr. CUMMINGS or yield to Mr. CUMMINGS is the dean of the Republican delegation. We are one delegation, but the dean of our Republicans, the distinguished gentlewoman from Montgomery County who herself served with Mr. CUMMINGS, CONNIE MORELLA.

Mrs. MORELLA. Mr. Speaker, I thank the distinguished gentleman for giving me the opportunity to congratulate not only Congressman CUMMINGS but all of us in the 104th Congress for having him added to our numbers. He will speak in a very strong voice, with compassion, with justice, with knowledge.

Indeed, it has been mentioned that he has been handed quite a legacy. Our very good friends who have represented that district so well who are here today: Kweisi Mfume, whom I consider one of my dearest friends, who was elected with me and BEN CARDIN to the historic 100th Congress; BARBARA MIKULSKI, our Senator who also represented that district. Senator SARBANES, did you represent that direct? You did in your heart, that is for sure.

But we all reflect the kind of fine work that has been done there, and I did have the grand opportunity to serve for 4 years with Congressman CUMMINGS in the House of Delegates. Very proud of your background, the temperament, the compassion, and I particularly like the fact that here is a man who is going to work for the American people, both sides of the aisle. He is not predisposed to any one specific myopic kind of philosophy. He wants to work for the American people, for the people of Maryland. I salute him and I congratulate him.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman. I might observe that our senior Senator has always served every district in our State.

Ladies and gentlemen, I am deeply honored to introduce to you a very fine human being who we will be privileged to serve with and walk with, ELIJAH CUMMINGS.

Mr. CUMMINGS. Thank you very much, Mr. Speaker and Members, to the Maryland congressional delegation, to two of my mentors, both of whom I love. Their spirit is a part of my spirit. Their hopes and dreams are part of my hopes and dreams.

To Kweisi Mfume and Parren J. Mitchell, I just want you to know that I love you, and I thank you for all that you have done for the city of Baltimore, the State of Maryland, the Nation, and the world. I appreciate you.

To my family and friends and to the members of the Maryland Legislature who are up there, only God could create this path, only God. Only God could create a path where the son of two sharecroppers from Manning, SC could rise to represent the people of the Seventh Congressional District in the Congress of the United States of America. Only God, and so I must first thank God for this opportunity.

I also thank Him for giving me the strength, the humility, and the courage to walk the path that He has given me. So often we in public life forget that we are very fortunate to come upon this Earth and have an opportunity to serve. So often we forget, because we get so caught up in our battles and our struggles, that so many people wish they could have the problems we have.

So I am just a happy, happy man. I am also very happy, they tell me it is unusual for Members of the other body—I have got to get this language right—to come over, but my two Senators, I want to thank you for being here and for all that you have done. It is not just that they are here today, but they have been walking with me for a long time, and I appreciate you.

Mr. Speaker, I represent a diverse district, a very diverse district. We have people who have a lot of problems. We have people who have very nice homes. We have people who are struggling just trying to make it. It honors me tremendously to know that they would send me here to represent them.

I have often said on the floor of the Maryland House of Delegates that our world would be a much better world and a much better place if we would only concentrate on the things we have in common instead of concentrating on our differences. It is easy to find differences, very easy. We need to take more time to find common ground.

So my mission is one that comes out of a vision that was created long, long ago. It is a mission and a vision to empower people, to make people realize that the power is within them, that they, too, can do the things that they want to do. So I am about that mission. I am looking forward to joining with all of you as we travel this road I often call journey, which I define as life.

There is a poem that Parren Mitchell said many, many years ago, that I say sometimes 20 times a day, and it is a very simple poem but it is one that I live by. It says: ''I only have a minute, 60 seconds in it, forced upon me, I did not choose it, but I know that I must use it, give account if I abuse it, suffer if I lose it, only a tiny little minute, but eternity is in it.''

So I join you as we move forward to uplife not only the Nation but the world. May God bless you all and may God bless America.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following resignation as a Member of the Committee on Veterans' Affairs:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 22, 1996.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: I hereby resign my position on the Committee on Veterans' Affairs.

Sincerely,

MAXINE WATERS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a privileged resolution (H. Res. 414) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 414

Resolved, That the following named Members be, and that they are hereby, elected to

the following standing committees of the House of Representatives:

To the Committee on Government Reform and Oversight, ELIJAH CUMMINGS of Maryland; to the Committee on the Judiciary, MAXINE WATERS of California; and to the Committee on Transportation and Infrastructure, ELIJAH CUMMINGS of Maryland.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will take ten 1-minutes on each side.

DELAY TRUMPETS SPENDING BILL

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

Mr. DELAY. Mr. Speaker, last night the Appropriations Committee did a great job in working with the President and forcing him to be fiscally responsible. By getting an agreement to curtail spending in the 1996 omnibus appropriations bill, Republicans were finally able to cut back on Washington spending, and I am very proud of that.

Today we will save the taxpayers $43 billion from last year's spending levels. We zero out 200 programs. We will keep on track to a balanced budget. And, most important, we will take a giant leap toward fiscal sanity.

Mr. Speaker, the American people put the Republicans in the majority because they wanted more responsible Government from their Congress, and we have delivered on our promises. My friends, this is the biggest taxpayer savings since the end of the Second World War, and we did not raise one dime of taxes.

By passing this spending bill, we take a giant step forward for the American family, and I just want to commend Chairman LIVINGSTON and his committee for his patience and great work on this legislation.

LET US PASS A MINIMUM WAGE INCREASE

(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, the radical right of the Republicans is at it again. Although the vast majority of the American citizens, the majority of the Members of this House, the majority of the Members of the other body, and the President of the United States all say we should have an increase in the minimum wage. Well, imperial Speaker GINGRICH and the Presidential nominee of the Republican Party, BOB DOLE, say, ''No, we are not even going to let you vote on it.'' The minimum wage is presently at a 40-year low as far as buying power. They will not even let us have a vote on it. That is the radical right of the Republican Party.

I say let the House vote on a minimum wage. Let us vote on it now. Let the other body vote on a minimum wage. Let us vote on it now. What are you afraid of? You are afraid of giving the working poor a little more money for their work. That is what you are afraid of. You do not want to do that. You want to give the wealthy a big tax cut. You say that is who needs the money. I say let us pass a minimum wage.

THE MINIMUM WAGE

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

Mr. LINDER. Mr. Speaker, it is fascinating, the gentleman from Missouri was not here 2 years ago asking to help the working poor with an increase in the minimum wage, because he had the House controlled by Democrats, the Senate controlled by Democrats, and the White House. They were not concerned about them then.

Let me tell you what the Wall Street Journal Review and Outlook call them in 1996. Remember when Bill Clinton claimed he was a new Democrat precisely because he did not favor a higher minimum wage? Time Magazine, by Michael Kramer, from an earlier speech by Bill Clinton: ''It''—raising the minimum wage—''is the wrong way to raise incomes of low-wage earners.'' I think the President was right then. I think he is right now.

□ 1100

The increase in the minimum wage by the President's own chief economist will cost low-income earners 100,000 jobs. That is not the way to raise the income of workers. Cutting taxes is.

AMERICA SUPPORTS RAISING THE MINIMUM WAGE

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

Mr. PALLONE. Mr. Speaker, again I do not understand what the argument is about which Congress tried or did not try to raise the minimum wage. The bottom line is we know now we have a majority in both Houses, mostly Democrats, but also enough Republicans, so that we could pass the minimum wage if it was only brought up for a vote on the floor right now.

The problem is that the Republican leadership, Speaker GINGRICH and the others, do not want to bring it up for a vote. They had a meeting yesterday and all the newspapers today say they refuse to bring it up for a simple up or down vote. The reason they will not bring it up is because they know it will pass.

The American people favor this, four out of five in all the recent polls, and the majority in the House of Representatives and the Senate and the President of the United States. So why not bring it up?

Very simple: They do not want to do it. Instead, they have come up with some bureaucratic cockamamie proposal to essentially use a government subsidy to help certain families, but not everyone.

Why in the world are we talking about a government subsidy to employers so that they do not have to pay a higher wage, a living wage? It makes no sense.

CHANGING THE WAY GOVERNMENT IS DONE IN WASHINGTON

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

Mrs. CUBIN. Mr. Speaker, today we will end months of intense negotiation with the administration on the omnibus appropriations bill, which provides funding for the Departments of Commerce, Interior, State, Labor, Justice, Housing and Urban Development, Veterans, and Health and Human Services.

Mr. Speaker, this Congress has achieved historic savings in the Federal budget. We have saved taxpayers $43 billion, resulting in the lowest projected deficit in 14 years and the single largest cut in government since World War II.

Please remember, the President does not spend one penny; the Congress spends the money, and this Republican Congress is responsible for cutting the deficit $43 billion, keeping our word, and changing the way government is done in Washington.

BACKWARD ECONOMICS

(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, see if this makes any sense: Uncle Sam gives billions of dollars to Russia in foreign aid; Russia then uses American money to build weapons. Uncle Sam then gives billions of dollars to China through the most-favored-nation trade program; China then buys weapons from Russia with money made in America.

Now, China makes money, Russia makes money, and, meanwhile, to stay afloat, America borrows money from Japan. America then uses that borrowed money from Japan to protect Japan and to protect Japanese oil in the Persian Gulf. That is right, Japan gets 95 percent of their oil from the Persian Gulf. Meanwhile, back in America, Americans are not only paying higher fuel taxes, they are now paying $2 for a gallon of gasoline.

Beam me up here. Somebody in Washington, DC, does not need to see any more economists, they need to visit a proctologist. Folks, this thing is all screwed up.

I yield back the balance of all these Btu's.

BIG SAVINGS FOR AMERICAN TAXPAYERS

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

Ms. DUNN of Washington. Mr. Speaker, today the 104th Congress will vote to end big government. By the end of the day today, we will have saved taxpayers $43 billion over the length of the 104th Congress, the largest single cut in government spending since World War II. Translation: $688 for a family of four.

With passage of today's legislation, this Congress will end over 200 programs, more than 100 in Labor, Health and Human Services alone, $12 million on a tick eradication program for cattle in Puerto Rico, and $14 million for the U.S. Travel and Tourism Association.

The bill strengthens priority programs that our constituents said are important to them: An additional $400 million for veterans medical benefits, support for our troops in Bosnia, and antiterrorism programs in Israel.

This bill does not just put the brakes on runaway Federal spending, it reverses it. Finally America's values have triumphed over Washington, DC, values. This truly is a historic day.

GIVE AMERICA A RAISE

(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, Harry Truman used to say that the Republican Party supports the minimum wage: The lower the minimum, the better. Now that we are at a historic minimum, the Republicans will not even give the American people a vote on the floor of the Congress so we can give America a raise, and that is wrong.

Mr. Speaker, I remember when I was a boy, and minimum wage jobs, when the minimum wage went up 20 cents, it was a raise. It gave you something to be proud of. It gave you a little extra money.

For Americans to get an extra one buck an hour is $1,800 a year. That is the average 40-hour workweek. That is a lot of money for families. You can buy a lot of food and health care with $1,800. That is $1 an hour.

Give America a raise. Give people who make the minimum wage the decency of allowing them to fulfill Harry Truman's promise for this country.

PRESIDENTIAL PROMISES NOT FULFILLED

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

Mr. FRANKS of Connecticut. Mr. Speaker, today is Take Your Daughter to Work Day. Being a position role model and raising a child's self-esteem are noble objectives. However, for too many of those who represent our weakest links in our society, there is no father in the house to bring a child to work, and the mother, she gets a quasi-minimum wage increase by simply having another baby.

Once upon a time there was a candidate for President who said he would end welfare as we know it. Since that slogan apparently helped Mr. Clinton get elected in 1992, I guess the 1996 slogan will be ''Really, folks, some day I want to end welfare as we know it.'' The record would show that Mr. Clinton took 2 years to even introduce an outline of a bill, and he has vetoed welfare reform twice.

Truly the only missing ingredient between taking the first step toward welfare reform and the continuation of this vicious cycle of government dependency is President Bill Clinton.

RAISE THE MINIMUM WAGE

(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, once again I rise to support the minimum wage. People will tell you that while this is just an issue about young teenagers, that is absolutely untrue. Seventy-five percent of the people who make the minimum wage are adults. Fifty-eight percent of them are women, and they head households.

Do you know how much you make a year off the minimum wage? $8,400 a year, doing some of the dirtiest, most unpleasant, hardest work we have in this country.

Now, I cannot understand why we cannot increase the minimum wage. There are bipartisan majorities in both Houses willing to support a $1 increase in the minimum wage. So why will the Republican leadership not bring it up?

The fact is that the Republican leadership makes over $100,000 a year. People on minimum wage make $8,400 a year. Is it too much to ask to give these people, these women, these hardworking Americans, a raise of $1? I do not think so.

Again, I reiterate, we ought to raise the minimum wage.

A GOOD DAY FOR THE AMERICAN TAXPAYERS

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

Mr. LEWIS of Kentucky. Mr. Speaker, today is a good day for American taxpayers. It is a day they have waited for for many, many years. Today the House and the Senate will consider and pass the omnibus appropriations bill.

This bill represents the values of ordinary American taxpayers. It represents the values of people who work hard and play by the rules. It represents the values of people who are tired of seeing one-quarter of their income going to a Federal Government that has racked up a $5 trillion national debt.

This bill rejects the values of Washington. It is a departure from the tax, tax, spend, spend philosophy of the true extremists, the status quo Clinton liberals. This bill rejects the values of all the liberal special interests who have dominated this House for 40 years.

Mr. Speaker, this Congress can be proud that we are making the changes demanded by the American people. This new Congress is saying no to Washington's values and yes to American values.

RAISE MINIMUM WAGE NOW

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

Ms. DELAURO. Mr. Speaker, yesterday NEWT GINGRICH and his leadership team stiffed America's hardworking families once again. These are the families who work hard; they play by the rules. They are working longer and harder to pay the bills to save for education and for retirement.

These families support an increase in the minimum wage. Eighty-four percent of the American people favor raising the minimum wage, everyone, that is, except for the House Republican leadership.

Yesterday the Republican majority leader said he will not schedule a vote on the minimum wage. Why do House Republicans continue to give working families the back of their hand rather than extending a hand? Because, as a top business lobbyist said yesterday, we made them, and this is a quote, ''We made them the majority.'' Republicans continue to pay off their special interest pals rather than helping America's hardworking families.

Mr. Speaker, this is the people's House, not the House of special interests. Stop hurting working families in this country. Raise the minimum wage now.

MEDICARE'S PENDING BANKRUPTCY

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

Mr. FUNDERBURK. Mr. Speaker, how long are the Clinton Democrats going to ignore reports that Medicare is going broke? How long are they going to jeopardize the future of our parents' and grandparents' health?

Mr. Speaker, new Government reports show a $4.2 billion shortfall in Medicare for the first half of this fiscal year, $4.2 billion.

Just last year the Clinton administration predicted Medicare would take in $45 billion more. It seems the Clinton administration was wrong. When

President Clinton had the chance to reform Medicare, he chose his veto pen and MediScare, scaring seniors over our seniors' health care security. The President is ignoring Medicare's impending bankruptcy, something our seniors cannot afford.

RAISING MINIMUM WAGE A MORAL ISSUE

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

Mr. LEWIS of Georgia. Mr. Speaker, the Republicans in this House just do not get it. The American people want an increase in the minimum wage. They know, Mr. Speaker, even if you do not, that raising the minimum wage is the right thing to do.

This is not just an economic issue, this is a moral issue. Mr. Speaker, you have the capacity, you have the ability, to bring a clean minimum wage bill to this floor. Do not fight, Mr. Speaker, what is right; do not fight what is right.

On this issue there is a national bipartisan consensus. Let us do what the American people want us to do. Let us do what is right. Let us raise the minimum wage. Struggling, hardworking people deserve the right to earn a livable income. Raise the minimum wage. Raise it now.

MISAPPLICATION OF THE INDIAN CHILD WELFARE ACT

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

Ms. PRYCE. Mr. Speaker, I rise today with just one illustration of the absolute tragedy and heartbreak being experienced right now by countless children and their families due to the misapplication of the Indian Child Welfare Act, or ICWA.

A couple from my district in Columbus, OH, adopted twin girls. Both biological parents consented and even chose this family that they wanted the girls to be placed with. After 6 months, as they went on to finalize the adoption, they found out that it was being contested under ICWA, which gives the tribe the final say in custody proceedings involving Indian children.

Although only one of the twins great-great-great-grandparents was native American, a judge in California ruled that that was enough to trigger ICWA.

These stories are commonplace and have to end. As a result of this misapplication of the law, two little girls almost 3 years old now still await the permanence and stability of the only family they have ever known, and they fear what fate might await them at the hands of the court.

Mr. Speaker, I urge my colleagues to support the Adoption Stability Act of 1996.

TIME TO VOTE ON A CLEAN MINIMUM WAGE INCREASE

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

Mr. GENE GREEN of Texas. Mr. Speaker, we have heard this morning, and I am glad, that after a year of threatening cuts in education funding, I am glad that the Congress and the President yesterday and today will consummate it and restore the drastic and extreme education cuts that they have been fighting a year over, and I am glad the Republican majority saw the light.

□ 1115

But, really, what I want to talk about today is the minimum wage. Americans strongly support an increase in the minimum wage. In fact, the latest national poll shows at least 80 percent of Americans support an increase in the minimum wage, and yet the majority of the Republicans oppose an increase, and some even oppose the minimum wage.

In fact, yesterday the House Republican leaders decided not to even bring up a minimum wage increase for a vote. The only thing we have heard of is a measure to provide another Government subsidy for people who work at $4.25 an hour. More welfare instead of someone being able to work their way off of welfare. That is not what the American people want.

Republicans talk a lot about moving people off of welfare and into work, but people need a livable wage to do this. Members can talk the talk, but they need to walk the walk. American families are working harder than ever, but it is tough to get ahead when working full time does not put enough money in your opinion pocket to put food on the table.

HONORING ROSHA BOOKER OF ROME, GA

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

Mr. BARR of Georgia. Mr. Speaker, I rise today to honor one of my constituents from Rome, GA, Ms. Rosha Booker, as an example to this Congress and to the country that one person can make a difference. Rosha's commitment to her community, and especially to its children, has established her as a leader and a doer.

Rosha had few of the benefits many of us enjoy, such as a fine education. But she did not let personal adversity hold her back. She got her GED and she got involved.

As president of her residents association, she has taken the lead in attacking drug abuse; and initiated countless activities for young people, from constructive and motivational programs, to workshops designed to give children alternatives to drugs and violence.

Last year Rosha came up with Make a Difference Day. She organized a community yard sale and a fall fair, bringing together residents of her community, tenants association, and local police to stress public safety and the importance of respect for law enforcement.

USA Weekend Magazine has just recognized Rosha in its Sunday magazine as one of the Nation's leading volunteers working for a better America. USA weekend chose wisely.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3024 AND H.R. 1972

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3024 and H.R. 1972.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

There was no objection.

WOMEN MAKE UP 59 PERCENT OF MINIMUM WAGE EARNERS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, to make it perfectly clear, I am very glad we finally won the victory, with the help of the President, and the Democratic caucus, to restore cuts in education, to restore the 100,000 police. Today we will vote on a good appropriations bill. We are working for America.

But what we really need to talk about is not the blame game regarding the minimum wage, we really need to talk about the pain in America. A few things we should consider in the argument to raise the minimum wage are that women are the ones that make up 59 percent of the minimum wage earners and nearly three-quarters of them are adults. Further, on average, women are still paid only 72 cents for every $1 men earn, and after inflation the value of the minimum wage is now 29 percent lower than it was in 1979.

If we do the right thing and the fair thing and raise the minimum wage, just by 90 cents, from $4.25 to $5.15 an hour, that alone would lift an estimated 300,000 people out of poverty, including 100,000 children.

Let us not play jokes on the American people. Raise the minimum wage for America and for its working people.

LET TAXPAYERS SEE WHAT GOVERNMENT REALLY COSTS

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

Mr. STEARNS. Mr. Speaker, in 1943 Congress passed the withholding tax

law. This painless collection method was described by one Senator as the best way to ''get the greatest amount of money with the least amount of squawks.''

Unfortunately for us all, he was right.

In fact, a recent poll showed that 54 percent of America's taxpayers have no idea how much of their income is withheld. It is the ultimate hidden tax, the best way to obscure the truth about taxes and the best way to obscure the cost of governing.

I want Americans to see what their Government costs. So I've introduced legislation that would allow workers to pay their taxes monthly, writing a check to the IRS just like they pay their mortgages, their car payments, and their rents.

In this way, taxpayers could see how much the Government is taking from their paychecks and how expensive their Government is. They would be able to determine for themselves whether or not they are getting their money's worth.

I urge my colleagues to cosponsor this legislation, which simply lets the taxpayers see how much their Government really costs.

AMERICANS HAVE WON A VICTORY WITH REGARD TO BUDGET NEGOTIATIONS

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

Mr. DOGGETT. Mr. Speaker, the American people have won a victory with reference to these budget negotiations. We are reversing the deficit spiral under Republican administrations in the 1980's. We are making continued progress toward balancing the budget. It is, as my Republican colleagues have said this morning, a historic moment. It is just that they miss what the historic moment is all about. For, as my colleagues can see, all of this could have been accomplished last year without the Gingrich goofs, without the Government shutdowns that cost the American people $1.5 billion, without the pain that that caused people all over this country.

Today we have achieved this negotiation without taking cops off the street, as they wanted to, without savaging the School Lunch Program, without wrecking the environment. We have accomplished this because the American people have spoken out and said they have had enough of extremism. We Democrats did not have a majority of votes to accomplish this, but we had a majority of right on our side, and thanks to the involvement of the American people we have said no to the Gingrich extremisms and achieved a victory.

VIETNAM VETERANS AND MEN OF CONSCIENCE CANNOT VOTE FOR THE APPROPRIATIONS BILL

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

Mr. DORNAN. Mr. Speaker, item in this week's April 29 U.S. News & World Report. ''Clinton Won't Dodge Vietnam.'' That is their word, ''dodge,'' not mine.

Although Bill Clinton went to great lengths to avoid going to Vietnam during his draft age years, try three times, the President, who made a round-the-world swing last week, has put the southeast Asian nation, that is Communist Vietnam, at the top of his must see list next year if he gets reelected.

Then the paragraph closes, like every other recent President, Clinton, they say, wants to be remembered mainly as a peacemaker. Well, at Oxford, ditching classes and flunking out and not getting his degree, he made sure that the killing fields would prevail in Cambodia and Laos and 68,000 of our friends would be executed in Vietnam.

I cannot vote, Mr. Speaker, for the appropriations bill today, not because my HIV language was taken out. I would have traded that off for the two great pro-life provisions, but Clinton thinks with his infanticide vote he has locked up all the abortion industry. He wanted to get back the homosexual industry. It is this POW bracelet. Any veteran or man of conscience cannot vote for the appropriations bill today.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 412 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 412

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the 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 April 27, 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.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to 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.

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

Mr. MCINNIS. Mr. Speaker, House Resolution 412 is a simple resolution. The proposed rule merely waives the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House for resolutions reported from the committee before April 27, 1996, under certain conditions.

This narrow, short-term, waiver will only apply to special rules providing for the consideration or disposition of measures, amendments, conference reports, or items in disagreement from a conference that: make general appropriations for fiscal year 1996, or provisions making continuing appropriations for fiscal year 1996.

Mr. Speaker, House Resolution 412 is straightforward, and it was reported by the Committee on Rules with unanimous voice vote. The distinguished Member, Mr. MOAKLEY, stated in the Committee on Rules that he had no objections to this rule. The committee recognized the need for expedited procedures to being these legislative measures forward as soon as possible. Simply put, we must move quickly before temporary spending authority expires at midnight tonight. Mr. Speaker, we have reached an agreement with the White House and it is time to move forward.

The agreement we reached last night will result in 1996 discretionary spending being $23 billion less than last year's level, and the additional funidng for the administration's programs is offset by reductions and saving in other areas. I urge my colleagues to support House Resolution 412.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from Colorado, Mr. MCINNIS, for yielding me the customary one-half hour and I yield myself such time as I may consume.

Mr. Speaker, this rule waiving the two-thirds requirement for same day consideration of a bill will finally enable the House to bring up the omnibus appropriations bill.

After 6 months of waiting for my Republican colleagues to pass the 13 appropriations bills, we are finally going to be able to bypass their Appropriations Committees and get our Government back on its feet.

Federal workers won't have to worry about being furloughed; military retirees won't have to worry about their benefits; and students headed for college won't have to wait any longer than they already have for their student loans to be processed.

I support this two-thirds rule, Mr. Speaker, because I wouldn't do anything to slow the appropriations process any more than it already has been

but I believe my Republican colleagues have behaved very irresponsibly on this budget and I hope next fiscal year will be different. The American people have suffered from their political games and it is no way to run a government.

But this rule doesn't go far enough. So, I will oppose the previous question in order to offer an amendment to the rule which would make in order a new section in the rule. This provision would direct the Committee on Rules immediately to report a resolution that would provide for consideration of a bill to incrementally increase the minimum wage from its current $4.25 an hour to $5.15 an hour beginning on July 4, 1997.

This will not slow down the continuing resolution, Mr. Speaker, it will allow the House to vote on a separation measure to increase the minimum wage.

Mr. Speaker, my Democratic colleagues and I believe very strongly that American workers deserve a raise and we will continue to fight until they get one.

With CEO's of major corporations getting raises of millions and millions of dollars a year, I certainly hope my Republican colleagues will agree with us that average working people deserve a $1,800 raise—enough for 7 months of groceries.

We are not talking about a lot of money, Mr. Speaker. But we are talking about a lot of people, 12 million people who work very long hours and still live below the poverty line.

It has been 5 years since the last increase in the minimum wage, 5 years, Mr. Speaker. Its value has plummeted to a 40-year low. People on minimum wage only earn $8,400 a year.

That means that someone who works just as long—and I would argue just as hard—as those CEO's does not make enough money to feed and house their family.

Any Member who disagrees with me, any Member who does not think we should raise the minimum wage to $5.15 an hour should vote for the previous question.

I urge everyone else who believes hard-working Americans should be able to support their families on their income to defeat the previous question.

Let's give hard-working Americans a raise.

□ 1130

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

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. MCINNIS. I think it is in order, Mr. Speaker, to request a copy of the proposed amendment to the rule from the minority in order to determine whether a discussion of it is germane to the debate on this particular rule. Otherwise, I will be forced to raise a point of order against any further debate on a nongermane amendment to the rule.

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

Mr. MCINNIS. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, the amendment is being worked on. It will be in the gentleman's hands very shortly.

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

I am thrilled. I cannot believe what I have just heard. My good friend from Massachusetts, is the gentleman in fact suggesting that we bypass the committee process and bring directly to the floor his particular amendment? I think this is the very side that I get hammered time after time after time again with these rules, what about the committee process?

Mr. Speaker, I am certain that the gentleman and my friend from Massachusetts overlooked this, and I am certain that in order to stay consistent with what their side on a continuing basis continually talks about, that he will rescind his amendment and proposal to offer an amendment and take it back to the committee process.

I think it is also important for us to realize it is an election year. How can we tell it is an election year? Where has this group, where has the minority been? They held the majority in the House. They held the majority in the Senate. They held the Presidency for the first 2 years I was here. Not once, not once in committee, not once on the House floor did we hear any discussion about minimum wage. In fact, I found it kind of interesting. Time, February 6, 1995, now the President wants to make work pay by raising the minimum wage. Yet, more than 2 years ago he said that raising the minimum wage is, and I quote from Time magazine ''the wrong way to raise incomes of low wage earners.''

If we want to help the low wage earners in this country, get Government off their back. Do something about the taxes on these people. Do something about the child tax credit. That is how we are going to help the working poor in this country.

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

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

Mr. Speaker, the gentleman, my colleague, my friend, is right. Maybe we should have addressed minimum wage. But as he knows, we had other things on our pallet. We had the health care bill that took a lot of time. We had the budget bill. We had the appropriation bills that the Republicans did not let come out through the proper process. So we really were distracted doing other things. But now we are looking clear eyed at the minimum wage, and maybe we should have done it before.

Having said that, we have just received notice from Speaker GINGRICH that he does not want to allow the minimum wage to go forward, so we cannot rely upon the ordinary committee process. This is the process we have to take.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, today I call upon my colleagues to defeat the previous question so that we can go back to the Committee on Rules and have a vote on raising the minimum wage. My colleagues and I have been trying for weeks to convince NEWT GINGRICH and the rest of the Republican leadership to allow a vote on raising the minimum wage, a mere 90-cent increase for the hard-working men and women of this country at a time in our Nation's history when we are looking at corporate CEO's who are making on average $2 to $3 million a year, and working Americans have not seen a raise in their income in the last several years. They scramble every week to try to pay their bills.

Mr. Speaker, last month I went to the Committee on Rules, and I testified in favor of allowing a vote on raising the minimum wage. My request was denied. On this floor the next day my Democratic colleagues offered a motion to allow a vote on raising the minimum wage. Again, our effort to give working families a raise was denied. As a matter of fact, the House Parliamentarian ruled that the Republican leadership was using an invalid procedure to kill that vote. After denying us the right in this body, the people's House, to raise the people's interests, we were not allowed to have this come up for a vote.

Yesterday the Speaker of the House said that it is not his intention to schedule a vote on the minimum wage. He refuses to do it. Yesterday or the day before yesterday, the third ranking member of the Republican leadership in this body said that the minimum wage families do not exist. There is a movement here and a pattern to not allow us to be able to vote in this Nation on the minimum wage. Eighty-four percent of the people in this country want us to increase the minimum wage.

Stop playing parliamentary games with America's working families. Please, give them a simple yes or no vote on raising the minimum wage in this country. Stop denying hard-working families, people that we ought to honor for taking on the personal responsibility of working hard every single day. All they want to do is to get their kids to school. They want a decent retirement for themselves. That is all they are asking for. And they make $8,500 a year.

Mr. Speaker, let me tell my colleagues in this body, during the shutdown in the Christmas holidays, Members of this body made more than minimum wage workers made in 1 year. It is unfair. Let us vote now, let us vote right away, an up or down vote on raising the minimum wage in this country.

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

I would be interested later in the debate perhaps to hear from the gentlewoman from Connecticut about the President's comments that this is the wrong way to raise the incomes of the low-wage earners. Perhaps the gentlewoman from Connecticut before she leaves the floor today on the debate would like to come down and talk about the President's own chief economic expert, economist, who says that the higher minimum wage does not seem a particularly useful way to help the poor.

Why all of a sudden the change? Why all of a sudden the reverse? I will tell my colleagues why; it is show and tell for election year.

Mr. Speaker, this debate is about a rule. That is what we are talking about. We have come to a resolution on this budget. We have cut the rate of growth by $23 billion over last year. Let us get on with the business. Do not let them divert by talking about something that they have plenty of opportunities to do something about but all of a sudden, lo and behold, and I am sure by coincidence right before an election shows up, they come to the floor and they pound the podium and they talk about the minimum wage. They cannot explain the President's comments who says it is the wrong way to help these, the low-wage earner. They cannot explain the chief economist over at the White House when he says it does not work.

Where were these people? Where was the gentlewoman from Connecticut? Where was the gentlewoman from Connecticut when we had, for example, just a couple of weeks ago a limitation on the taxes in this country?

My bet is that the gentlewoman probably voted against it. I think it is important, if we want to help the working poor of this country, let us talk about taxes. Let us do something to control the taxes.

Nothing helps them more than taking a look at the heavy, heavy burden of taxes. Do you know that the average working person in this country has to go in and spend 2 hours and 45 minutes of their working day, the first 2 hours and 45 minutes of their working day just to pay the taxes? If we want to do something to help these people, cut that 2 hours and 45 minutes and let some of that time go right into their pocketbook. The average person in this country works from January 1 to May 6 every year, every hour during that period of time just to pay their taxes.

Mr. Speaker, the point here is very important. That is that today we are engaged in a debate on the rule, a rule which would allow us to get this compromise put into law, which will allow this budget to go forward. This is a good budget. We have come up with. This is a budget that will allow the Federal Government in Washington, DC, to reduce its spending by $23 billion. That is a very, very significant step forward. Let us do divert. Let us not dilute it by bringing in what I consider, frankly, frivolous timing on this debate.

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

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, who are these people that work on the minimum wage or for the minimum wage? Three of them are testifying out in the swamp triangle in front of the press right now about earning the minimum wage and trying to raise a family. So they indeed do exist.

Mr. Speaker, they are the people who take care of our mothers and our fathers and our grandparents in nursing homes. They are the people who clean the offices. They are people to clean the airports. They are the people who are breaking their backs to raise their kids every single day in America.

Do we know what happens when we pay them $4.25 an hour? They cannot raise a family on that. They end up sometimes working two jobs, three jobs, overtime. What does that mean? That means they are not there for their kids in the evenings. A mother is not there to teach her kids right from wrong. She is not there to read them bedtime stories. A father is not there for a PTA. He is not there for Little League games. He is not there for church. He is not there for dinner conversations. And the whole fabric of civil society starts to breakdown. That is what we are talking about here, paying somebody a decent livable wage so they can live a decent livable life.

Mr. Speaker, that is what we are talking about, basic economic justice for people. Let me put the Republican position on the minimum wage in perspective. A person making the minimum wage, as I said $8,500 a year, the average CEO in America today makes about $12,000 a day. I wanted to repeat that, $12,000 a day.

My friend from Colorado talked about taxes. Let me tell my colleagues about taxes. Under their tax plan, if you do the math right, every CEO in America would get a tax break of about $8,500 a year. In other words, the Republicans spent the last 16 months trying to give CEO's a tax break equal to the amount a minimum wage family earns in an entire year. Where is the economic justice in all of that?

This is an issue which is supported by over 100 economists. It is an issue that is supported by three Nobel Laureates, by 80 percent of the American people. We ought to move on this and move on it today. We have an opportunity on this previous question to vote it down so we can bring up the opportunity to have a real debate and a real vote on a critical issue for this country.

Mr. Speaker, the Republicans on this side of the aisle and in the other body have embarked upon a strategy of ducking this issue as the Speaker indicated the other day in a press conference, blocking it, as the gentleman from Texas [Mr. ARMEY] indicated, said he would fight it with every fiber of his being; burying, as Senator DOLE intends, to do by attaching it to extraneous matters in the other body. This strategy of duck, block it, delay it, bury it, is not what the American people want. They want us to move on this issue because they know it is a matter of economic justice.

Mr. Speaker, let me just say in conclusion that we have got 12 million people in this country who are doing tough work, tough work. They have made a choice to do work over welfare. If we want to solve this welfare issue, we have got to make work pay. That is all we are asking. The minimum wage is at an almost 40-year low, 40-year low. People made more on the minimum wage in the 1970's and in the 1980's and in the 1960's than they would even if we raised it 90 cents an hour.

□ 1145

Let us do something for these folks. Let us raise the minimum wage. Let us give them the respect and the dignity that they deserve, and let us send a message to America that work pays.

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

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

Mr. Speaker, I am interested by the gentleman from Michigan's comments. I wonder where the gentleman's vote was on the largest tax increase in the history of this country about 2 years ago, and I do not want the gentleman to come back and say, well, as my colleagues know, we just increased taxes on the wealthy people in this country.

Our colleagues increased taxes, as the Democrats, on this House floor on everybody in this country that buys a gallon of gasoline, 4 cents a gallon. Our colleagues have continually thought the response to aid Washington, DC, is to tax, tax, tax.

If our colleagues want to help the working poor in this country, if our colleagues are really sincere about it and not playing election-year tactics, if our colleagues really want to help them, do something about the burden of taxes in this country.

I have said repeatedly from this microphone every person out there trying to work, trying to stay off welfare, still has to spend their first 2 hours and 45 minutes of every working day just to pay their taxes.

Now, how interesting, and I will not yield, now, how interesting it is that the gentleman from Michigan and the gentlewoman from Connecticut talk about how their party wants to help the working person. Well, maybe one of them, and they have not done it yet, maybe one of them would be kind enough to explain the President's comments, and I will quote it again from Time magazine. When the President directly addresses and states his position on minimum wage, and that is, ''Minimum wage,'' and I quote, ''is the wrong way to raise the incomes of low-wage earners.''

Our colleagues are hurting these people. That is what we are trying to say to them, they are hurting the very people that everybody wants to help. If our colleagues were serious about it, they should have supported, and some of you actually did, but we should have had more support from our colleagues' side of the aisle to put a tax limitation on the bureaucracies in Washington DC. But they did not support that.

And, by the way, they did not hesitate to support the largest tax increase in the history of this country. That is what is key here. If they really want to help the working people, let us shift this debate.

By the way, the debate should not even be on this. The debate should be on the rule. But our colleagues continue to try to divert it over to this.

So let us shift the debate where it ought to be, and that is the tax burden that their party primarily in the last 40 years has been responsible for placing on the working people of this country. Not just the working poor, but every working man, woman, and child in this country, lives under their tax burden.

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

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, in a few minutes all of America will be able to see a vote on whether or not the people of America, the working families of this country, will get the increase in their wages that they deserve, get a raise.

I believe American working families deserve a raise, and finally this morning we are going to have a vote on that subject. And if my colleagues believe that way, all of America will be able to see that they voted against this call for the previous question and we have finally an up-and-down vote on the minimum wage.

But, as my colleagues can see, what we have been hearing this morning is the same old Republican story: Promises made, promises broken. That is what this Republican majority is all about. It was only last week that the Republican leadership of this House and of the Senate were telling us: We would have a vote on the minimum-wage increase. But they forgot to ask the lobby.

As we can see, this would be like the Republicans writing environmental legislation without getting a bill from the polluters. They just do not do that. They made their announcement, and they had a traffic jam out here.

As we can see, they forgot to ask the special-interest lobbyists, and the limousines starting converging on the Capitol, almost a traffic jam out here on the avenue, because these lobbyists expect this Republican majority to do exactly what they tell them to do, and they made the mistake of not asking. They listened to the American people, for once, who demand that they get the kind of raise that they deserve because they are out there struggling with their families.

We are not talking about people that have got limousines that benefit from this minimum-wage increase. We are talking about the people that mop the floors, we are talking about the people that take out the trash, that wash the dishes, the hard-working people of this country who can barely make ends meet on the little bit of minimum wage they have got. And this morning we are going to decide are we going to stand by those people who are working so hard to build a future for their families, or are we going to fold and join the limousine crowd who did not get asked but made their voice heard and caused the Republicans once again to break their promise to the American people?

Let us stand up for the little folks of this country.

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

How interesting to hear the gentleman from Texas talking about the little people. I wonder if the gentleman from Texas has any small business in his district.

As my colleagues may know, my district is a rural district out in Colorado. It is not a wealthy district; most of the district is rural. We are ranchers and farmers, and we own small hardware stores. In fact, my father owned a little candle store for 40 years, and it was tough. Maybe the gentleman from Texas and I would like to have them come to my district.

By the way, we do not have any limousines out there; that may be something that perhaps my colleagues are not accustomed to. But we will take them out in a pickup truck and have them explain to the small business people in my district how it is going to help them and how it is going to help their employees, and we will bring the employees in, by increasing the minimum wage and keeping the tax burden exactly the same.

Do my colleagues know what we are debating today? We are debating the rule. This debate has been totally diverted, totally swung over to a nongermane subject on this rule. What is this rule all about? Do my colleagues know what it is about? It is about reducing spending in this year's budget over last year's budget by $23 billion. That is right: billion dollars. Finally we have made positive progress.

As my colleagues know, a lot of people, when the Republicans planted our garden, we said to the Democratic leadership, ''Look, you got too many weeds in your garden. It's gotten too fat. It's not being taken care of, and the people, the taxpayers, that have to pay for the seeds and water and fertilizer for this garden are being abused.'' Let us plant the garden; we planted the garden.

Then all of a sudden nothing came up, it was not growing, and some of these people just sat back and said, ''We told you. So by gosh, your way doesn't work.''

But guess what happened today? We wake up, and we have got plants popping out everywhere. Do my colleagues know why? Because last night we reached an agreement, and this rule will help us move that agreement to the President's desk within 24 hours. We reach an agreement that allows us to reduce the size of Government in Washington, DC, to reduce the size of growth in this budget, to finally realize that the taxpayers of this country have a right to demand from their Government in Washington, DC, efficiency and accountability.

Now what is happening? Finally of course they are not going to concede. A little plant is now coming out of the ground, and this garden in fact is going to be a very healthy garden. Now they try to pull in something that their own President did not agree with, and that is this diversionary argument of minimum wage.

Let us go back to the rule. Last night in the Committee on Rules, I was there. I voted on it. Every Democrat in the Committee on Rules voted for it. I voted for it. We did not have this kind of sneak attack last night in the Committee on Rules, and in fact my good friend from Massachusetts, of whom I have a great deal of respect for, and frankly the more I work with him, the more I respect him, has stood on this floor before and said, ''What about the committee process?''

Do my colleagues know what is happening? This is a sneak attack. They jump up here with minimum wage.

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

Mr. MCINNIS. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I agree. I will vote for the rule. I am just trying to make the rule just a little bit better.

So I am with the gentleman from Colorado on the rule, but I just want to get a shot at the previous question. So the gentleman and I will vote arm in arm when it comes to voting for the rule.

Mr. MCINNIS. But the gentleman from Massachusetts would agree by doing this we avoid the committee process on the minimum wage issue; is that not correct?

Mr. MOAKLEY. But the gentleman from Colorado will agree that the Speaker said he is not going to allow the minimum wage to come to the floor, so will the gentleman tell me how else we can get it to the floor?

Mr. MCINNIS. Reclaiming my time, I thank the gentleman from Massachusetts for his courtesy and kindness. The fact is he knows and I know this is a sneak attack. That is all right, we can take it, we can absorb it. But if our colleagues want to talk about minimum wage, if the gentlewoman from Connecticut wants to talk about minimum wage, why does she not talk about the tax vote she took? Why do our colleagues not talk about the tax vote we took just 2 weeks ago where we

said to the country and to the bureaucracy in Washington, DC: Before you raise taxes on the American people, you ought to get a two-thirds vote.

Now a lot of States do that. There are a lot of States that require a balanced budget. I would be interested to see what the gentleman from Texas or the gentlewoman from Connecticut voted on the balance budget amendment.

Do my colleagues really want to help the working people of this country? Then put this argument aside, let us debate the rules and the germaneness, and I mean argue what is germane to this rule, and let us get this budget, this agreement which cuts spending by $23 billion; we can have that to the President's desk within 24 hours.

And do my colleagues know something? I think both parties can stand up and say, by gosh, we are making progress in moving this country forward in a fiscally sound manner. But short of doing that, if some of the people who stand up here, and again just a coincidence in an election year, and talk about how much they have helped the working poor, I think it is legitimate, very legitimate, for everyone of us in this room to ask them, How did you vote on the balanced budget amendment? How are you rated by the Taxpayers Association? How did you vote on the tax limitation amendment? Where have you been on some of these spending issues that are here?

Do my colleagues want to help the working people of this country? One, get this budget to the President within the next 24 hours because he said he would sign it; two, follow your own President's advice where in Time magazine he said the minimum wage is the wrong way to raise the incomes of the low wage earners; and, three, get back to the germaneness of this rule, let us get this debate out of the way, and let us get to the budget debate because that is the most important time of the day. That is what is going to make this budget. And what we are doing right now is spending very valuable time debating kind of a sneak attack, certainly did not come up in the committee last night, certainly will not go through the committee process, but they think is fun and games to play down here and discuss it.

Let us get back to the budget. Let us pass this rule.

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

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, what we are talking about is asking for a vote on minimum wage. Why will not the House allow us to vote on the minimum wage? By opposing the previous question, that is the only way we can do that. This martial law resolution gives special status to a lot of categories of bills. A minimum wage increase deserves that special status. We should be willing to give special treatment to the American families who are having to work for $4.25 an hour.

In fact my colleague from Colorado talked about this should go through the committee process. My committee has tried to have a hearing on this bill, and we have not. Seventy percent of the bills in 1996, and I will yield if I have time, 70 percent of the bills on this floor this year did not go through the committee process, and yet today they are not willing to use that special exception for the working folks. He knows also the reason that we tried to have health care reform in 1993 and 1994 and not a minimum wage increase, but it has gotten so far out of whack because of inflation we need to do it.

A great Senator from Texas said what we need to do is put the jam on the bottom shelf for the little people. Senator Ralph Yarbrough, the late Senator, said that minimum wage increase will do that, Mr. Speaker.

Mr. MCINNIS. I yield myself such time as I may consume.

First of all for the gentleman from Texas, I think it is incumbent upon him to use the words that he used in description, that he use them at least somewhat close to their definition. Continually he attempts to use the words martial law as if we are attempting martial law on this House floor, and let me just read for his assistance the definition of martial law. It is a temporary rule by military authorities over the civilian population.

This is getting a little out of hand when we start using those kinds of terms. Let us bring it back to the issue that we are talking about today. The issue is we have got a rule here that agreed to by all of the Democrats on the committee, that was voted by a voice vote, which means there is agreement amongst the committee, to bring this rule down to the floor so that we could clear the path for our budget package to come down here, to be heard, to be voted on, to be sent to the President within the next 24 hours.

□ 1200

My goodness, we have spent the last 6 months in tough negotiations and good faith negotiations from both sides to come to some kind of budget which will help reverse the spending in Washington, DC, which will help the taxpayers of this country; which, by the way, will help every working man, woman, and child in this country. We have it in our hands. We have the budget. We can send it to the President within the next 24 hours.

So why are we stalling? Let us stay germane to the subject. Let us pass this rule. Let us send this budget to the President. It is $23 billion in reductions in spending in Washington, DC. Do we want to make a working poor person's day or any working poor person's day? Tell them that finally the Government in Washington, DC, is about to reduce the rate of their growth, that the bureaucracy that is out of control in Washington, DC, is about to come back down to the size that it ought to be. That is a government that serves the people, not a government that rules the people.

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

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

Mr. PALLONE. Mr. Speaker, I must say that the gentleman from Colorado has made a very valiant effort to try to justify why this should not be brought to the floor, but the bottom line is we have no choice. We know that the Republican leadership in this Congress will not schedule the minimum wage for a vote. ''It is not my intention to schedule a vote on the minimum wage,'' said the House Republican leader, the gentleman from Texas, DICK ARMEY. This is the only way we can bring this up to the floor for a vote.

We are talking about real people and real lives here. Minimum wage workers have a very difficult time paying for groceries, paying for housing, paying for the utility bills. I think that the budget we are going to pass today is a great thing, and I will commend every one involved in it. But the bottom line is when we are talking about a minimum wage worker, that budget may be something that helps them in the long run, but they need help right now to raise their living, the amount of money they take in so they can buy food, housing, and the basic necessities of life.

Let me just say, very briefly, in my home State of New Jersey we have raised the minimum wage. It is now $5.05 an hour. This increase has been a complete success. We have increased the purchasing power of minimum wage workers and we have improved our economy with it.

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

Mr. Speaker, I would hope that the gentleman from Texas does not quite leave the floor. Why does the gentleman not put on the other side of this very nice poster, which by the way was paid for by the taxpayers, probably a couple of hundred bucks, put on the opposite side the President's statement about the minimum wage? And I am quoting Time Magazine from February 6: ''It is the wrong way to raise the income of the low-wage earners.''

Now let us talk. I will be very interested to see if the gentleman from Texas votes against this rule. In fact, I think there is pretty wide agreement on that side of the aisle to support this rule, because I think that side of the aisle does not want to shut down the Government. We need to get a budget to the President.

All this kind of thing is, in my personal opinion, is show and tell. it is election year. We have to expect some of that. But the fact is we have one of

the most important issues of this Congress, one of the most important issues of this Congress sitting in front of us, and that is a budget bill. In order to clear the way for this budget bill we need to pass this rule, and we are going to pass this rule.

Last night this rule passed out of committee on a unanimous vote. Not one Democrat voted against it. Why? Because they understand the importance of it. They were not going to be obstructionist. We had a very good Committee on Rules last night. There was no harsh debate. There was no sneak attack, trying to bring in this minimum wage issue. There were no discussions on the tax bill that they passed 3 years ago. No. The debate up there, and it was not really a debate, the discussion in that committee was, ''Hey, we have got an agreement. We are going to get an agreement on this budget. Let us move it up to the President. Let us keep the Government open. We can do it.''

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

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

Mr. Speaker, the gentleman from Colorado talks about sneak attacks. Everybody knows that the way to get an amendment in this type of process is to defeat the previous question. This is operating according to the rules of the House. Nobody in that committee last night said they would not make a motion to defeat the previous question. We said we would vote for the rule, and that agreement still holds.

Mr. Speaker, I yield 1 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, sometimes Congress works at a glacial pace, but other times Congress can move like lightning when we choose to do it. Yesterday we passed a 1-day CR with lightning speed. It did not take any preliminary hearings.

A few weeks ago, the Republican leadership decided to schedule a vote to lift the ban on assault weapons, passed just last year. They made that decision, announced it, and voted on it within 1 week. Lightning speed. Last week, we voted on a constitutional amendment to require a supermajority vote to make changes in the Tax Code. We did not even need a committee hearing on a constitutional amendment. Lightning speed. But when it comes to providing a working wage for Americans by raising the minimum wage, it gets glacially cold around here. Paralysis sets in. Our leadership says it is not their intention to schedule a vote on the minimum wage. We cannot move. The lightning speed tends to slow down to the point where we have a glacial pace.

The Republicans have used parliamentary tactics, and now they are simply blocking a vote. Let us have one, up-or-down, on the minimum wage increase that the American people overwhelmingly support.

Mr. Speaker, what is the Republican response to our request for a simple up-or-down vote on an increase in the minimum wage: They call it—incorrectly—an unfunded mandate and invoke parliamentary procedure to prevent a vote.

They counter it with elaborate proposals for tax credits, tax incentives for businesses, assaults on labor unions, and labor law. Now they want hearings—for legislative packages—all of which are designed to put off debate and voting on an increase in the minimum wage for months—or forever.

Twelve million Americans earn $4.25 or less—73 percent of them are adults, and most of them are women. The purchasing power of the minimum wage has plummeted to a 40-year low.

A 90-cent increase proposed by the President and Democrats in the House and the Senate would provide $1,800 a year for a full-time worker. Raising the minimum wage would provide an immediate raise to more than 10 million hourly workers—and the ripple effect would assist another 3 million low-wage workers.

Some have argued that a raise in the minimum wage would have an adverse effect on business—especially small business.

But this is not just a war between working people and the business community.

Increasing the minimum wage has received wide, bipartisan support in the past—including the support of Senator DOLE and Speaker GINGRICH.

And if our local governments think this is such bad policy, why do nine States and the District of Columbia have minimum wages that exceed the Federal standard?

The fact is: Historical evidence shows us there is little or no job loss from increasing the minimum wage. We all know intuitively that business and the economy grow and flourish when people are making a living wage.

Living wages increase productivity—the unemployed are attracted off welfare, families receive health care, some of the strain of providing for their families is taken away. Democrats understand how important it is for small business to flourish.

That's where the new opportunities are being created—small business is the fuel that's driving the economic engine of recovery. That's why Democrats have supported policies such as raising the deduction for health care costs for the self-employed.

We want to keep that economic engine firing away—and we know that small business will continue to pull the major load of our economic recovery.

When Franklin D. Roosevelt first proposed a national minimum wage, he described it as a ''fair day's pay for a fair day's work.'' Let's make the minimum wage a fair day's pay once more.

I urge defeat of the previous question.

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

Mr. Speaker, I would say to the gentleman, before he walks off the floor, I am a little mystified, I guess. He talks about how Congress works with lightning speed. The gentleman from California [Mr. FAZIO] was in the majority 2 years ago and he was in the majority for 40 years. But my first 2 years of Congress, you certainly ruled this place with an iron hand. When you wanted to, you would get something with lightning speed. Where was the minimum wage?

The second thing I would like to ask the gentleman, nobody else has done it yet, for perhaps a little explanation. The President's position was in 1995, just a year ago, as he says: ''The wrong way to raise the incomes of low-wage earners is the minimum wage.''

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, in the last Congress we did, without one Republican vote, more to help working families through the increase in the working families' tax credit, sometimes known as the EITC. We did not have one vote from that side of the aisle to help people with families working, earning less than $27,000 a year. That used to be a bipartisan issue.

Where the Republicans decided not only to oppose the minimum wage but an increase in the earned income tax credit comes from surprises me. But perhaps at the moment we have simply to look at their proposal in lieu of a minimum wage increase, which does nothing but redistribute poverty among working families. It does not help anyone's income to go up.

Mr. MCINNIS. Mr. Speaker, I thought I would get a germane answer to my question, but I did not. Let me make the point very clearly. The gentleman's side did take a vote very clearly that did affect the working poor in this country. They raised taxes by the largest amount in the history of this country.

Mr. FAZIO of California. On the top 1 percent of all taxpayers.

Mr. MCINNIS. No; you did not. You raised the gasoline tax by 4 cents. You raised taxes on every working person in this country.

Mr. FAZIO of California. For the last 2 years, gasoline taxes were below what they were at the time we voted the tax.

The SPEAKER pro tempore. The gentleman from Colorado controls the time.

Mr. MCINNIS. Mr. Speaker, the fact is, the only thing they did to the working people of this country is raise taxes. But that is not the issue.

Mr. Speaker, let me go back to the gentleman from Massachusetts. The gentleman from Massachusetts has written the chairman of the Committee on Rules on a number of occasions asking the committee to comply with the rules, and he has specifically pointed out the germaneness part of it. Now, clearly, this is not germane to the issue. The issue we have today is can we pass a rule which will clear the path for a budget to get to the President so he can sign it by midnight. I think we can. I think we are going to get this rule. I think most of the Members over there are going to vote for this.

I think all of this is a diversion from the fact that finally, finally under the leadership of the Republican Party we have gotten a $23 billion reduction in spending over last year, and through the cooperation of the President in the

last few days, we now have a package which will reverse spending in Washington, DC, which will demand that Government now begin to become accountable to the people which it serves. The people do not serve the Government, we serve the people, the working people out there.

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

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY].

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

Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question and to support the amendment offered by my colleague, the distinguished ranking member of the Rules Committee, Mr. MOAKLEY, directing the Republicans to stop blocking the loud and clear demand of working men and women for a straightforward increase in the minimum wage.

Mr. Speaker, the House Republicans obviously have lost any sense of compassion. They have turned the minimum wage into a three-ring circus. In one ring we have 20 House Republicans proposing a $1 increase in the minimum wage; in another ring we have the Speaker stomping his feet and roaring that he will not allow a vote on the minimum wage. And, in the center ring we have Majority Leader DICK ARMEY promoting a proposal to increase the deficit by giving taxpayer subsidies to low-wage employers.

My colleagues, we don't need these legislative gimmicks. We just need fair wages. The time for a vote on a clean minimum wage increase is now. To Speaker GINGRICH, I say stop playing games and schedule a vote. Stop posturing for special interest business and schedule a vote. Thirteen million Americans who work 40 hours a week, 52 weeks a year, deserve a raise, and this Congress ought to give it to them.

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

Mr. Speaker, I would be interested in the gentleman from Missouri, who speaks so boldly and speaks eloquently about the need for this minimum wage, I would ask: Did he sponsor a bill? At least I do not remember a bill during my first 2 years in the U.S. Congress where the gentleman sponsored it to help the working poor, and I do not remember the gentleman standing up and talking about the working poor and so on when he passed the largest tax increase in the history of this country, which included a tax on every working person or every person, certainly, that purchases fuel in this country.

The key here, Mr. Speaker, is that we need to go back to germaneness. The key issue we have here is the germaneness of the rule in front of us.

What should we be talking about? We all ought to be talking in very positive terms about this budget that we want to send to the President by midnight tonight. If we do not send it to the President, the spending authority expires. We are going to have a real problem.

You do not want to shut the Government down, or maybe some of you do want to shut the Government down, but if you do not want to shut the Government down, you need to cooperate with us on this rule. The members of the Committee on Rules, did. We had a great conversation, a great discussion last night. It was a voice vote. Not one disagreement in the committee.

Then today we come down here, and clearly we have a nongermane issue, meaning an issue that has nothing to do with the rule in front of us. I guess, Mr. Speaker, I could ask for a point of order, but then they would call it a gag order, so I guess in an election year we can expect this kind of frivolous discussion. But let us not ignore the fact we need to pass this rule. We have a great budget. It is a success. We have reduced spending in Washington. Let us get this budget to the President and let us get it signed. We can do it by midnight.

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

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

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

Mr. VOLKMER. Mr. Speaker, it is very apparent to me, listening to the debate, that the gentleman from Colorado is trying to obfuscate the real issue. We all agree that we will take up the appropriation bill that will finally fund the Government for the rest of this year. That should have been done 7 months ago, but the Republicans did not do it.

The real issue is whether we will have two things to do. One is a minimum wage, and the other is the appropriation bill. We can do both. All we have to do is defeat the previous question. We could tell Speaker GINGRICH and the gentleman from Texas, DICK ARMEY, ''Sorry, boys, we are going to vote on a minimum wage in the House of Representatives. We are going to defeat the previous question.'' If Members are not for the minimum wage, they will vote for the previous question. If they are for the minimum wage, they will vote against the previous question. It is a very easy vote. And, by defeating the previous question, we amend the rule. The rule then passes. We have passed the appropriation bill. We send it to the President. The Government keeps on running. And soon thereafter, because of this amendment, we will be voting on a minimum wage. That is what we should be doing. What is wrong with the Speaker?

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan [Mr. LEVIN].

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

Mr. LEVIN. Mr. Speaker, I say to the gentleman from Colorado, we are going to pass the rule, we are going to pass the bill. It reduces spending, but in a way that does not hurt children and their education, does not hurt the environment, does not hurt citizens who want security in their neighborhoods, because it does not adopt the cuts that you voted for.

□ 1215

We want to expand this and have a vote on the minimum wage. We will make an agreement. If the Speaker says we will have a vote, we will not oppose the previous question. But if he says we will not have one, do not say go through committee.

I want to read something from November 8, 1989. This is a statement by Mr. DOLE on the floor: ''We had a White House meeting this morning, and the President asked about minimum wage and the progress it was making. I said we hoped to have it passed as early as noon or 1:00.'' That was Mr. DOLE in 1989. In 1996, Mr. DOLE has an option: either continue to cater to the radical right of the Republican Party or do what was done in 1989.

The minimum wage today is back where it was in 1989. We need to move ahead. You are standing there trying to divert attention. We are going to vote for the rule and the bill, but we should also bring up the minimum wage. It is of importance to the working families of this country.

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

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise in strong opposition to this rule. Once again, this rule gives a clear demonstration of the priorities of NEWT GINGRICH and the Republican leadership. NEWT GINGRICH and the Republican leadership are stopping the minimum wage legislation from coming to the floor of this House.

Mr. Speaker and Members, the gentleman from Colorado keeps asking why did the Democrats not do this in the past, why did the President not say he supported it in the past. It does not matter. It should be done now. Then is then and now is now. It is time for us to step up to the plate for the workers of this country.

Besides, I think the gentleman from Colorado is off the point. Why will NEWT GINGRICH not come to this floor and tell the American people why he is standing in the way of a debate that would give a simple 90 cents per hour increase to those who make the least amount of money in this country? It is important for the American people to understand.

This is simply about whether or not we recognize that American workers are hurting, whether or not we recognize that CEO's and others are getting richer and richer while the least of these is getting worse and worse in this country. It is not about what was not done yesterday. It was not about the

fact that people were afraid of the business community months ago. It is about whether or not, given he has the power, NEWT GINGRICH has the power to bring it to the floor, whether or not he is going to do it on behalf of the workers.

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

First of all, I would be interested if the gentlewoman from California is out there telling the working poor that it does not matter, ''It does not matter that we did not try and raise your minimum wage while we were in office. It does not matter that when we were in the majority we did not try and raise the minimum wage.''

The fact is it does matter. The fact is, if you want to help the working poor of this country, do something about the taxes.

The other issue that is very important here, as the gentlewoman from California—and I will yield to the gentleman in just a minute—as the gentlewoman from California comes down here and just blasts the rule, where were you at the Rules Committee meeting last night? Not one Democrat voted against it. We had a very healthy discussion about the importance of this rule so that we can get a budget to the President by midnight tonight. I think we can do it.

One of the former speakers up here talked about how much this budget bill that we are ready to send to the President has some positive things from his point of view. I agree with him, it does have some positive things, but the positive thing to me is it cuts spending by $23 billion.

Mr. Speaker, I yield 15 seconds to the gentleman from Vermont [Mr. SANDERS].

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

Mr. Speaker, the gentleman is right. The minimum wage should have been raised 2 years ago, and I had a bill in to raise it to $5.50 an hour. But the fact that it was not raised then makes it more imperative that we raise it now because the purchasing power of low-wage workers has declined even more. So let us move forward today and pass a minimum wage.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER], my fellow colleague on the Committee on Rules.

Mr. LINDER. Mr. Speaker, I have been watching this debate on my television and it has degenerated for high comedy to farce.

The gentleman from Texas has decided that Americans deserve a raise and, by golly, we are going to give it to them, and that is precisely the difference between the two sides. Democrats think that politicians can determine what a person's work is worth and they will give them the raises, and we believe the marketplace works.

The gentleman from Michigan says that the minimum wage today is right where it was in 1989. Is that not interesting, when the other gentleman from Michigan, the minority whip, said that it is a 40-year low? One of them is not telling us the truth.

The fact of the matter is that this is not policy, this is politics, and it is crass politics. It is mean politics. It is using people who are right now about 3 percent of 117 million workers as pawns in a political battle to make political points.

Two years ago they could have raised the minimum wage. They did not even mention it. Robert Samuelson, in an article, points out the fact that the minimum wage is less about social policy than politics.

If you doubt that, ponder some facts gathered by New York Times reporter David Rosenbaum. With computers and other documents, he searched references made by President Clinton. In the 2 years when he controlled the House and the Senate and the White House in 1993 and 1994, guess how many times President Clinton talked about the minimum wage? You got it, zero. Zero.

This year, with Republicans in control, between the first of the year and March 11 he talked about it 47 times. The Time article by Michael Kramer—I said this earlier this morning—President Clinton said, ''It is the wrong way to raise incomes of low-wage earners.''

In a Wall Street Journal article, April 12, 1996: ''Remember when Bill Clinton claimed he was a new Democrat precisely because he did not favor a higher minimum wage? That was 1992, the last time he was trying to give moderates a reason to entrust their vote with him.''

The fact of the matter is, most of America has gotten used to this President having both sides of the issue and not knowing where he stands. They will see through this, too.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, during the years I have been in Congress, in fact for 50 years, without exception the majority of Republicans in the House of Representatives have been opposed to the minimum wage. Even back when economists said it did work, Republicans were opposed to it for half a century.

Now they have ridden themselves into a box canyon. Because the great majority of the American people want to raise the minimum wage in order to help the working poor, Republicans can no longer be caught being against the working poor, so they have to make a choice.

They have chosen. They have chosen to come down on the side of their friends in business and against the taxpayers. How? By freezing the minimum wage for their pals in corporations and then turning to the taxpayers and saying, ''Give the working poor more money for every kid they have.'' So here is the working poor out of a Dickens novel coming annually to the Congress saying, ''Please, may I have more? Please, Mr. Speaker, I have had another child, may I have more?''

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

Mr. OWENS. Mr. Speaker, the Republicans are attacking the lowest wage earners in America, the people at the very bottom, on two fronts. First, they deny them an opportunity for an increase in the minimum wage; an in this legislation, which this rule concerns, they are attacking people and preventing them from getting an education by stealth assassination of a concept called Opportunity to Learn. They have usurped the role of the authorizing committee and they have ruled out Opportunity to Learn standards in this legislation.

Opportunity to Learn means that the Federal Government will collect information, it is all voluntary, collect information about what our school systems are doing to guarantee that children have an opportunity to learn. How are they providing decent books, decent buildings, decent science labs, qualified teachers who can teach science? How are they doing this? This is strictly voluntary.

Nevertheless, after 6 months of debate, the authorizing committee decided to do this, and now in a few meetings the conference report tells us that Opportunity to Learn standards are stricken. That is against the rules, it is illegal, but it will prevail because they have the votes.

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

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, the Republicans make us talk about an issue that they say is irrelevant because they refuse to allow a full discussion about the minimum wage. Therefore, we must take this opportunity to talk about the minimum wage.

It is relevant. It is relevant to millions of Americans, their families, their mothers, who depend on the lowest of wages, and it should be relevant to you if you care about the American taxpayer.

Why should it be irrelevant? Why should we be put in such a position to beg for those who need to be concerned? You have refused to understand what it means to not have food, what it means to not have shelter, what it means not to have the basic resources to take care of your family, and yet on the other side you talk about family values. You talk about expediency. How can you not reconcile the indifference that you are showing toward the very people you say you care about?

It is relevant. It is relevant, I would say, Mr. Speaker, contrary to what the majority leader has said before.

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

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, the major crisis facing our country is that more and more we are becoming a low-wage society. During the last 20 years, the real wages of American workers have declined by 16 percent, and more tragically for our young workers, the new jobs that they are getting are paying even lower wages than was the case 15 years ago.

Mr. Speaker, what is also grossly unfair is that while the vast majority of the working people become poorer, the people on top become richer, and we now have by far the most unequal distribution of wealth and income in the industrialized world. If people work 40 hours a week, they should not live in poverty. A $4.25 minimum wage is a disgrace.

Let us have the courage to do the decent thing, the right thing. Let us raise the minimum wage now. Bring that legislation to the floor.

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

I think it is very important. It amazes me how boldly some of the speakers we hear on that side of the aisle are talking about the working poor. Where were those kind of comments when they raised the taxes on all of the working people, not just the poor working people but the middle class and the upper, all of them?

Folks are going to be out there and are going to be paying. I do not know if any of you have been to the gas station lately, but the gas prices have really gone up. You can lay the credit of the additional taxes of 4 cents right at your feet. Most of the people that have spoken in opposition to me today voted to raise those taxes.

If you want to help the working poor of this country, if you want to help the working people of this country, quit raising taxes. Taxes are not the answer. Help us pass this rule so that we can reduce spending.

The President is ready to sign it. He is ready to reduce the spending by $23 billion. It has taken a lot of effort on our side to get that kind of compromise put together from the President. Join us. You want to help the working people, help us cut spending in Washington.

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

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, the last time I argued to raise the minimum wage on the House floor I was accused by the majority whip as being hypocritical. I would say that the only people being hypocritical here are the Republican leadership. They talk about family values, they claim to support America's workers, yet their policies are just the opposite.

The bottom line, my colleagues, is that we want a vote. Let us say it again. We want a vote, up or down, on the minimum wage. The Republican leadership is afraid to give us a vote because they know if there was a vote on the House Floor, the minimum wage would go up. It would pass. They do not want to do it. That is Republican democracy for you. Seventy-one percent of Republicans support increasing the minimum wage, and 84 percent of all Americans support increasing the minimum wage.

□ 1130

But yet the tyranny here of leadership will not even allow us a vote on the floor. Today's Congress Daily says House Speaker GINGRICH, who last week conceded he would allow for a vote on the minimum wage in some form, was pressured by other members of the leadership to rule out a vote. Who does the Speaker represent, the American people or the leaders?

All we are saying is that we want a vote. Again, Speaker GINGRICH conceded last week he would allow a vote. This week, he was pressured ''by other members of the Republican leadership to rule out a vote, at least for the foreseeable future.''

What are you afraid of, my colleagues on the other side of the aisle? Let the American people have their way. Let the Congress have their way. All we are saying is give us a vote up or down. You are blocking a vote. You cannot claim to want to help America's workers by not allowing an increase in the minimum wage. you cannot claim family values by not allowing an increase in the minimum wage. Why should someone get off welfare, as you say you want people to do, when they do get off welfare and make a minimum wage they are getting paid less than if they were on welfare?

All we are saying is people want to work, and they are at the very bottom of the economic spectrum, these are people that want to work. They do not want to collect a check. They want to work.

Pay them a decent wage. That is the American way. Wages are at a 40-year low. It is a disgrace. We demand a vote.

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

Mr. Speaker, it is interesting to hear kind of a show-and-tell going on here. Obviously it is an election year. The issue that is continually I think a diversionary issue, has been once again brought up by the gentleman from New York.

I think it would be interesting to see where the gentleman from New York ranks on the taxpayer ratings. I think it would be interesting to see if the gentleman from New York had a bill he sponsored to raise the minimum wage when he was in the majority. I would conclude he probably did not.

I think the important issue here, the key issue here, Mr. Speaker, is we can finally help the working poor and every working person in this country by passing this rule and passing a budget that reduces spending by $23 billion.

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

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Colorado for yielding me the time.

On the subject of the minimum wage, which of course we are talking about here, cutting spending, so the Democrats will do anything to get off a spending cut and start talking about something else. Let us talk about the minimum wage.

I know the folks over there are simply economically ignorant. I do not believe they are malicious, but you know, who do you think is going to get jobs when you eliminate the minimum wage? Or when you increase it? It is going to be good-bye teenage employment for the summer. Nobody is going to be able to get jobs. I would challenge the comrades over on the other side of the aisle, go talk to Burger King, go talk to McDonald's, go talk to any small business, go talk to a pet shop or go talk to a construction company. Ask them how many jobs they will have to eliminate when you increase the minimum wage?

If you want to show compassion, do not show compassion with 90 cents more an hour. Show compassion with a $500 per child tax credit which you fought. Show compassion to repeal the 4 cents per gallon gas tax which the President increased.

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

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 minute.

Mr. MOAKLEY. Mr. Speaker, I urge a ''no'' vote on the previous question. If the previous question is defeated I shall offer an amendment to the rule which would make in order a new section in the rule. This provision would direct the Committee on Rules to report a resolution immediately that would provide for consideration of a bill to incrementally increase the minimum wage from its current $4.25 an hour to $5.15 an hour beginning on July 4, 1997. This provides for a separate vote on minimum wage. It in no way slows down the continuing resolution. The Speaker and the majority leader yesterday announced that there would be no vote on the minimum wage before the election. Let me make it clear to my colleagues, both Democrats and Republicans, defeating the previous question will allow the House to vote on the minimum wage increase. This is what 80 percent of Americans want us to do. So let's do it.

I include the text of this amendment for the RECORD at this point in the debate.

Vote ''no'' on the previous question.

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

''Sec. . The House of Representatives directs the Committee on Rules to report immediately a resolution providing for the consideration of a measure to increase the minimum wage to not less than $4.70 an hour during the year beginning July 4, 1996, and not less than $5.15 an hour after July 3, 1997.''

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

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1¾ minutes.

Mr. MCINNIS. Mr. Speaker, I would hope that the gentleman from Massachusetts, since he will have time to prepare this amendment that he wants to put on, he would also include within that amendment, since the amendment you will be preparing is nongermane, we might as well hit the whole topic, put in a clause that reduces the gas tax by 4 cents a gallon. You did put that on every working person in America. Put in the child tax credit so we can reduce the taxes, so people do not have to work 2 hours and 45 minutes to pay their taxes every day.

The important issue here is Democrats have attempted, some, not all, have attempted to divert from the issue at hand. The issue at hand is we have a budget that is going to work, that will cut spending by the Federal Government by $23 billion. That is the largest and most significant reduction since the end of World War II.

We ought to all be happy today. We ought to be celebrating. We are going to make progress. So I would urge you support the rule.

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 220, nays 200, not voting 13, as follows:

[Roll No. 133]

YEAS—220

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

NAYS—200

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green (TX)
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
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
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)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Baesler
Ewing
Ford
Gibbons
Hayes
Hunter
McDade
McIntosh
Peterson (MN)
Rangel
Schroeder
Watts (OK)
Wilson

□ 1255

Messrs. DOYLE, FORBES, FRISA, TORKILDSEN, and MCHUGH 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. WATT of Oklahoma. Mr. Speaker, on rollcall No. 133, I was unavoidably detained with constituents. Had I been present, I would have voted ''yea.''

The SPEAKER pro tempore (Mr. LAHOOD). 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. MCINNIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, noes 135, not voting 12, as follows:

[Roll No. 134]

AYES—286

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (CA)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Fattah
Fawell
Fields (LA)
Fields (TX)
Flanagan

Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martinez
Martini
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—135

Abercrombie
Ackerman
Andrews
Barcia
Barrett (WI)
Becerra
Berman
Bishop
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gonzalez
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Mascara
Matsui
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Reed
Richardson
Roybal-Allard
Rush
Sabo
Sanders
Schumer
Scott
Serrano
Skaggs
Slaughter
Souder
Spratt
Stark
Stenholm
Stokes
Stupak
Taylor (MS)
Thompson
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn
Yates

NOT VOTING—12

Baesler
Dunn
Ewing
Frost
Gephardt
Gibbons
Hayes
Hunter
Peterson (MN)
Rangel
Schroeder
Wilson

□ 1312

Mr. RICHARDSON changed his vote from ''aye'' to ''no.''

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

Mrs. ROUKEMA. Mr. Speaker, yesterday on rollcall vote 131, House passage of the National Wildlife Refuge Improvement Act, H.R. 1675, I inadvertently voted ''yea.'' I had intended to cast a ''nay'' vote on the legislation.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2535

Mr. CHAMBLISS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2535.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1202

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1202.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that we will now allow Members to address the House for 5 minutes each without prejudice to the resumption of business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING CINDY JENSEN OF ROCKFORD, IL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, so much has been written, and so many discussions have taken place about how quickly life seems to pass us by in these modern times. We are always trying to make time for the parts of our lives we hold most precious: our families, our children, our spouses.

It is never until we are faced with our own mortality that we stop to realize the sweetest parts of our lives, a nectar that sustains us and refreshes our thirst to be connected to the human race. Life has meaning. All of our lives have meaning. We are all born and nurtured and educated for a purpose. We tend to forget that. We tend to forget that one so important lesson.

I have been reminded of this lesson by witnessing the journey of a constituent from Rockford in the 16th District of Illinois, Cindy Jensen, who for years has battled a liver disease and is now recovering from her third liver transplant in the last 4 months. She has not surrendered life during this difficult time. She has remained positive and has taken each day at a time.

Cindy has demonstrated the type of courage and faith that few of us ever experience. She and her family have allowed the people of the city of Rockford to share in her journey, not out of self-interest but to engage us in discussion of a much greater human cause—the importance of organ donation. There is no greater demonstration of the importance of life than when someone is faced with a life-threatening illness and still maintains the courage of her conviction that there is a greater good.

Cindy Jensen's purpose in life has become a mission of education. She has reminded us that we all share life.

In yesterday's Rockford Register Star, Judy Emerson distilled the soul of Cindy Jensen. I would like to share some of that essence with you. Keep in mind that these quotes came from Cindy just a week after her third liver transplant.

''There's been a good reason for all of this,'' Jensen said Monday.

> I know that when I hear people say they never considered being a donor and now they will be. I hear people say they stopped praying and now, they pray all the time. Other people have said, ''You've given me my faith back.''

In spite of everything—or, maybe, because of it—her own faith remains intact.

''This liver is going to work beautifully,'' she said firmly on Monday. ''God has brought me too far for it to be any other way.''

Mr. Speaker, I include at this point in the RECORD the complete column by Judy Emerson from the April 24, 1996, Rockford Register Star:

JENSEN STAYING FOCUSED ON HER MISSION

Even if Cindy Jensen weren't a friend, I'd admire her courage. Jensen, who had a third liver transplant last week at University Hospital and Clinics in Madison, Wis., granted a television interview a few days later.

Anyone who knows Jensen knows it's not like her to go on TV without makeup. Yet there she was, lying in her hospital bed, so weak her voice was barely a whisper. Cindy will forgive me for saying it, but I've seen her looking better.

Seriously, though, it's all a part of the mission, Jensen says. Her intention in granting media access every step of the way during her ordeal was to encourage organ donation. She invited cameras into the operating room as her diseased liver was removed and replaced. When she was unable to do interviews, her daughter, Andrea' and son, David, did them. By letting the public get to know her family during Jensen's life-or-death crisis, she personalized organ donation and showed why it is so important.

How like Jensen to turn something so difficult into something positive. Her campaign to educate the public about organ donation began several years ago, when she learned she suffered from primary biliary cirrhosis, a disease that causes the liver to deteriorate and, eventually, stop functioning.

She organized an annual organ fair at CherryVale Mall, and even as her own health deteriorated, she knocked herself out to ensure the event's success. Her positive attitude and smile make it easy for her friends to forget she was sick.

Finally, her condition became critical and a transplant was absolutely necessary. She went to University Hospital Jan. 2 for the first transplant. A blocked duct kept that liver from functioning properly, and she had a second transplant in early February. That liver never worked well for some unexplained reason, and Jensen's condition was deteriorating. She needed a third transplant to live.

''I was dying,'' Jensen said Monday from University Hospital. ''I knew I was running out of time.''

A week after the procedure, Jensen is convinced she got her miracle. All indications are that this liver is functioning well, said Bob Hoffmann, the hospital's procurement and preservation director.

Jensen, meanwhile, is concentrating on getting strong enough to attend her own fundraiser Sunday at the Clock Tower Resort. The event is to help cover medical expenses, which haven't been totaled yet, but are expected to be hundreds of thousands of dollars.

The $25 tickets are on sale through 5 p.m. Friday at the Clock Tower box office. The event, which begins at 4:30, features a silent auction, pasta dinner and dancing to the music of Wayward Wind.

People who can't attend the event but who want to make a contribution may send it to: Cindy Jensen Trust Fund, 5601 Knollwood Drive, Rockford, IL 61107.

''There's been a good reason for all of this,'' Jensen said Monday. ''I know that when I hear people say they never considered being a donor and now they will be. I hear people say they stopped praying and now, they pray all the time. Other people have said, 'You've given me my faith back.' ''

In spite of everything—or, maybe, because of it—her own faith remains intact.

''This liver is going to work beautifully,'' she said firmly on Monday. ''God has brought me too far for it to be any other way.''

Mr. Speaker, we come to the floor of this ennobled Chamber often more full of vitriol for our own political advantage. We seem to forget that we are not here at cross purposes, rather that we are here for a common cause. We are here because we want to create jobs. We are here because we want to lessen the tax burden on the American people. We are here because we want to balance the budget. We are here because we all want our children to grow up well educated in a safe, clean, healthy environment. There is not one of us that comes to this well or enters the doors of this House Chamber who wants anything less. We simply have differences on how to reach those common goals.

We demean ourselves with the ugliness of partisanship. We are all guilty of that from time to time. In doing so, we, too, forget what is most important about our mission here.

I have taken this time today because I think that it is imperative that we remind ourselves of what is important—selflessness, courage, and the greater good.

Mr. Speaker, on behalf of the House, I would like to wish a speedy recovery for Cindy Jensen.

MINIMUM WAGE NOW AT 40-YEAR LOW; AMERICA NEEDS A RAISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, America needs a raise. With the purchasing power of the minimum wage now approaching a 40-year low, America needs a raise. And just a few minutes ago we had an opportunity to vote on whether America should get a raise. Unfortunately, at the last minute the Gingrich leadership was able to twist enough arms, apply enough pressure, cajole enough Members, to succeed on a very narrow vote, and I think that one thing we can see from this vote, as disappointing as it is, the setback that it is to America, is that all Americans can now see that all that stands between them and this House of Representatives and a raise, all that stands between them and that raise, are 10 Republican Members and their votes, 10 Republican Members and their votes who were not willing to come forward this morning and cast a critical vote in favor of giving America a raise.

Now, what is particularly ironic about this development is the fact that there were some 15 Republican Members of this body who have already signed their name onto an increase in the minimum wage of even greater than that proposed by President Clinton, and yet those 15 Members, when they had an opportunity to come to the well of this House and cast a vote in favor of a raise for the American people, a vote that they have stood in front of the cameras and said they think the American people deserve, well, this morning they choose to vote against that raise.

It is a setback, and it is a disappointment to the people that are out there this morning working in the nursing homes, washing dishes in the back of the restaurants, cleaning our buildings, and doing the other kinds of tasks that make life possible to go forward in America, and yet receiving the lowest wage that anyone in our country receives.

But, you know, despite this temporary setback, I remain hopeful about where we are headed in this country, hopeful because of what is happening in the budget process today. You see, it was only a year ago that Republicans came to the well of this House and demanded that we terminate the COPS Program. That is the program that is designed to get 100,000 law enforcement officers into our neighborhoods, and our streets to assure the security of our families and our businesses, and they said they did not want that program anymore.

It was only 1 year ago that the Republicans came to the well of this House, and they were saying, ''You know, we have got to raise the cost of going to college for those middle-class families that are working and struggling with their young people to get them through college. What we have in mind is $5,000 more for a Stafford loan for 4 years, the standard cost of a Federal loan to go to college.'' And the Republicans said, ''We will place another obstacle in the way of those who are trying to educate their young people.''

It was only 1 year ago that they were working to jeopardize the health care security of our seniors with their pay more, get less that they called a reform in the Medicare system, but to those seniors whose pocket was going to be invaded, to pay more, to get less, in they way of health care, who were going to face increases in premiums, increases in copayments, increases in deductible, it was a pretty heavy hit.

It was only 1 year ago that our Republican colleagues were here, indeed it was less than 1 year ago, demanding that we do further damage to the air and the water of this country with a series of very restrictive riders that they were placing on the Republican appropriations bill with reference to the environment. Indeed, they were working on that only within the last few weeks, and it was only 1 year ago, indeed only a few weeks ago, that Republicans were pursuing cuts in public education that in my hometown of Austin, TX, stood the costs about 2,300 of our youngest Texans, our pre-kindergarten children, to lose half of their pre-kindergarten program. It was the same kind of cutback that would have affected public education in a most detrimental way in our part of the country and really across this country.

What has happened in the course of that year? All of those mean-spirited, extremist initiatives, whether it was to permit more pollution of our air and water, to erect more obstacles to our young people with reference to their ability to get public education, to get a college education, whether it was the

threat to the security of health with reference to our oldest citizens, all of those initiatives, including the one concerning putting more law enforcement officers in our neighborhoods, all of those initiatives that the Gingrich leadership declared they had to have in order to have a revolution, they have now yielded on in this new budget bill.

REPORT FROM INDIANA: MURRAY WILSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, I rise today to give my report from Indiana.

In the Second Congressional District of Indiana there are so many good people. Good people doing good things. In my book, these special individuals are Hoosier heros. Hoosier heros because they have dedicated their lives to helping others.

Mr. Speaker, Murray Wilson of Winchester, IN, is a Hoosier hero. He provides hope that one person can make a difference.

Murray Wilson has dedicated his life to raising support for local charities in his hometown. He knows in his heart that the greatest gift in life is to help others. During the day you'll find Murray washing dishes at D&J's Family Restaurant to provide for his wife, Debbie, and their 18-month-old daughter, Brittany. But his evenings are spent writing letters, rounding up pledges and championing his support drives.

Murray's efforts are sort of a legend. Ask anyone in Randolph County and they'll tell you: ''Murray spends endless hours raising support for the March of Dimes, the American Heart Association, the American Cancer Society, the American Diabetes Association and the list goes on * * *.''

But if you ask Murray Wilson why he has made his life-mission to raise support for charitable organizations, he'll humbly tell you, ''I just like to help people.'' To me, Mr. Speaker, that is the true American spirit.

Reach out. Lend a helping hand. Try to make a difference.

Murray Wilson may never meet the individuals who benefit from his effort. But he knows in his heart, that he's making his community a better place by lending a helping hand for those less fortunate.

Murray Wilson continues to make a difference. And for that reason, Murray Wilson of Winchester, IN, is a Hoosier hero.

Mr. Speaker, that is my report from Indiana.

□ 1330

INTRODUCTION OF LEGISLATION TO REPEAL LOGGING SALVAGE RIDER

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentlewoman from Oregon [Ms. FURSE] is recognized for 5 minutes.

Ms. FURSE. Mr. Speaker, last July it was about 10:30 at night, and this House passed the notorious timber salvage rider. That rider was slipped onto a bill that actually gave funding to the Oklahoma bombing victims. We knew at the time, some of us, that it was a bad idea, this bill. We knew this rider was a bad idea.

Yesterday, it just got worse, much worse. Yesterday, the Ninth U.S. Circuit Court of Appeals ruled that the logging rider, which is called by the people of this country the lawless logging rider, that this logging rider, requires the Forest Service to immediately release for logging every timber sale ever offered in every national forest in Washington and Oregon since 1990, even though those sales were stopped because they are old growth sales in environmentally sensitive areas. Not only are they old growth sales, Mr. Speaker, but they are critical for endangered fish and wildlife.

Mr. Speaker, I want to tell people that this bill has been called the salvage rider, but let me tell the Members about some of the trees that are being cut. Some of those trees are nearly 1,000 years old. they are not salvage, they are the heritage of the people of this country. Those are trees on public land, land set aside for the people, and yet, under this lawless logging rider, under this rider, the people have been shut out. Under this rider, all laws that protect that public heritage have been suspended.

Mr. Speaker, although the Forest Service is talking about salvage, we find that in fact they are reclassifying some healthy forests as salvage. So not only is this lifting the laws, not only is this shutting out the American people, but it is also a lie, because these trees are not salvage, they are healthy.

I introduced on December 7 a repeal of the lawless logging rider, and I have been joined on a bipartisan basis by 139 cosponsors. Why did I introduce this repeal? First of all, I knew it was wrong, this bill, in the first place. But then the trees began to come down in my district. Then the letters began to pour in. I would like to mention, Mr. Speaker, some of those letters.

Here is one from a small woodland owner. He said: ''I speak for a large, unheard constituency in this debate. We manage our property in a sound manner, economically and environmentally, and we object to the Government doing otherwise.'' He opposes the salvage rider.

Here is someone from Asheville, NC, who wrote to me and said:

> Thank you for introducing the repeal of the rider. I have worked all my career as a forest entomologist. I can assure you that this bill is a Trojan horse intended to get at good timber. It has been a practice for 9 years that to get a timber operator to remove infested pine, it was tacitly agreed that he would get plenty of good timber as an incentive.

I have heard from someone who says that he is a business person: ''If anyone tries to tell you that business interests oppose environmental interests, I will tell you that is old-fashioned bunk. I am a small business person and I object to the rider.''

Then I got a letter from John Jonathan Alward. He said: ''Please continue to fight the salvage logging law. I am a Boy Scout. I believe the law is bad because it allows logging companies to strip away the natural beauty of the Northwest.''

Here is one from a grandfather, who says he is outraged, outraged that it passed last summer.

Then I have one from a 67-year-old grandmother, 40 years an Oregon resident. She says: ''I love this State, and I am sickened by what Congress is allowing to happen to its natural beauty and its environment.''

A biologist. This is not a special interest group, Mr. Speaker. This is the people of the United States who own this land, who own this timber. He says: ''As a biologist, I am greatly concerned with the deleterious effect of the salvage rider.''

So I introduced the repeal of the salvage rider. What does that mean? What does it mean to repeal the salvage rider? It means we just go back to the way it used to be with the laws that had been passed by the Congress protecting the public interest. What it means when we repeal the rider is that once again we put the law in the forest, and once again we put the public interest over the special interest. We need to protect public land. It is the American heritage. I urge my colleagues to join me in repealing the so-called salvage rider. Please support 2745. Repeal the lawless logging.

AMERICANS ARE PAYING MORE AND GETTING LESS FOR EDUCATION, ENVIRONMENTAL, AND JOB TRAINING PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, in just a few hours the House of Representatives will probably decide one of the most important questions that has faced the Nation and this Congress. I have only been here for a little over 36 months, and there are some wonderful people in the House of Representatives that I have had the opportunity to serve with. I just wanted to give my observations of where we are at this moment as we decide on a budget, which is long overdue.

Congress, in fact, has been bankrupting our Nation with good intentions from some very well-meaning and well-intended people. The debate over the past 4 months has really been the most important debate in, I think, the last 40 years.

But we have found that in this debate, if we look at what has happened,

over those 40 years we have created scores and scores of programs, programs in education, programs in job training, programs in environment and so on. But this is what the debate has evolved down to.

However, the fundamental question being asked today is how effective are those programs. That is what this new majority continues to ask and has pressured to find the questions and the answers to. Mr. Speaker, for a moment Congress and the American people must really ask today are we paying more and getting less. That really is what the budget debate has been about. Let me, if I can, Mr. Speaker, just give a few examples of what the debate is about and how the American taxpayer is paying more and getting less. I have talked on the floor about these items.

First of all, Mr. Speaker, in education. The education battle is down to not just how much money we throw at education, but what the results are. Part of the debate is these 3,322 bureaucrats out of 4,876 in a Federal Department of Education, over 3,300 right down the street in Washington, earning more than most of our teachers, and most of them have never been in a classroom. This is what the debate is about, how big that bureaucracy is going to be.

The debate is about why our children cannot read, why our scores are lower, the dumbing down of the standards in this country, which are on the front page of even our periodicals.

There are Head Start Programs like in my community, where I have 25 administrators and 25 uncertified teachers, and the administrators are making double what the teachers or the aides are making in our Head Start Program; about an AmeriCorps Program the President has proposed that is a volunteer program that pays more and better benefits than we are giving our veterans, and the GAO says their finances in a year for this $1 billion project, they are already in a shambles.

Then we turn to job training, another question. Here is an article, a report from the State: $1 billion in job training in my State, and this evaluation in the last month says that we are spending $1 billion, and less than 20 percent of the students who enter these job training programs ever complete them and 19 percent ever get a job afterward. Then they get a low-paying minimal job; a total failure in job training programs. That is what this debate is about is changing these programs, improving them, so young people have an opportunity and a job.

Finally, Mr. Speaker, about the environment: Paying more and getting less. We have heard about Superfund. We have heard the President talk about this. Superfund is a great example of a good program gone bad and that we are trying to change. It was a good idea to clean up hazardous wastesites, but it is not a good idea to spend 80 percent of the money on attorneys' fees and studies. It is not a good idea to let polluters off the hook and not have them pay. It is not a good idea to have very few sites cleaned up. Only a handful of the hundreds and hundreds of sites have been cleaned up.

So these programs are failures. That is what this debate is about. It is a fundamental debate in this House, Mr. Speaker, that we clean up the act of government. We may not get another chance. Mr. Speaker, this is about paying more and getting less, whether it is in education, whether it is in the environment, or whether it is in job training. We should not pay more and get less.

THE PALESTINIAN PEOPLE SHOULD HEAR THEIR LEADERS SAY THERE IS NO ALTERNATIVE TO PEACE WITH ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. ENGEL] is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, just yesterday the Palestinian Assembly finally took steps to amend their charter, which calls for Israel's destruction. I have been speaking about that for a number of years here on the House floor. The United States aid to the Palestinian entity, which is about a half a billion dollars, is predicated on the removal of those covenants. Just last week I took that to the House floor and said that the date, May 7, is the date by which the covenants must be amended. According to United States law that date is 2 months after the Palestinian elections.

Yesterday the Palestinian Assembly did take steps to remove the covenants. The council amends the Palestinian national covenant by canceling clauses which contradict the letters exchanged between the PLO and the Israel Government. So, in essence, the clauses which contradict the letters exchanged by the PLO and the Israeli Government are those clauses which call for the destruction of Israel.

That is a positive step, although I must say, Mr. Speaker, it would have been far better if they would have been much more explicit and explicitly mentioned the covenants which are revoked. That would have been a lot better. Still, I want to give credit where credit is due.

The second thing to which they agreed was that the Palestinian Assembly would draft a new charter within a few short months. We are going to be looking and we are going to be seeing what is the language in that charter. We want to make sure that the new charter that is drafted has language which is compatible with pursuing peace. I think that is very, very important.

Again, while I commend the Palestinian authority and commend Yasser Arafat for taking steps finally to remove the covenants which call for Israel's destruction, I want them to know that we in the United States Congress will continue to monitor the situation very closely and continue to watch the new charter which is going to be drafted by the Palestinian assembly.

We do not want double talk. The problem on the Palestinian side for too long has been doublespeak, talking out of 10 or 15 sides of their mouth. If you want peace you need to be unequivocal, you need to state that you want peace, and you need to say it both in English and in Arabic, so it is not only for American public opinion consumption but it is for the home crowd, so to speak. The Palestinian people should hear their leaders say that there is no alternative to peace with Israel. I wanted to say that.

I wanted to also comment on some of the other events in the Middle East. I found it a bit hypocritical that the U.N. Human Rights Commission in Geneva condemned Israel for the bombings in Lebanon, in a totally one-sided and ridiculous resolution, which said nothing about the Hezbollah guerillas which started this whole thing. The United States, to our credit, voted against it. There were only a handful of countries voting against it.

I thought it was especially hypocritical for the U.N. Human Rights Commission to do that, at the same time when the U.N. Human Rights Commission recommendations against the human rights abuse in China were not supported by the majority of countries voting, so it is hypocrisy, again. I think that is a bit ridiculous.

In Lebanon, Mr. Speaker, we ought to call it the way it is. That is, clearly, that the disruption and the hardship on both the Israeli population and the Lebanese population near the border rests solely with Syria, and with Hafiz al-Asad.

□ 1345

Syria, in essence, controls Lebanon. Lebanon has really ceased to exist as a free and independent state. There are 40,000 Syrian troops in Lebanon, and if the Syrian troops wanted to, they could control Hezbollah. They could prevent Hezbollah from wreaking havoc on Israeli civilians just south of the border.

That is what happened again and again and again during the past few weeks. No government at all can tolerate the wanton shelling of its citizens without some kind of response, and that is exactly what the Israeli Government has done. They have responded to the Hezbollah attacks.

Now, the Israeli attacks have hurt and killed civilians, and it is very, very unfortunate that civilians are maimed or killed. But it should be remembered that the Israeli troops, the Israeli attacks are going after the Hezbollah terrorists, whereas Hezbollah is specifically going after Israeli civilians.

So I say to the Syrian Government and to Mr. Assad, who talks a good game of peace but has shown absolutely zero, the nerve of him to keep our Secretary of State waiting and not

to meet with Secretary Christopher. I think we will watch the events in the Middle East very, very closely, and I am glad that peace seems to be moving forward.

SUCCESSFUL END TO 1996 FISCAL YEAR

The Speaker pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I simply want to stand before the House and point out that we are on the verge of a truly historic vote here over the next couple of hours. I believe that this body, in a bipartisan manner, will vote later this afternoon to approve House Resolution 3019, which is the omnibus appropriations spending bill, and that that legislation will mark the end, the successful end to the 1996 Federal fiscal year.

What makes this such a signal event and such a historic occasion is the fact that this bill, coupled with the spending cuts that were made last year in fiscal year 1995 combined, will equal savings to the taxpayer of $32 billion, resulting in the lowest projected deficit in 14 years and the single largest cut in Government spending since World War II. So I think it is safe to say that this legislation reverses decades before of runaway Federal Government spending.

I want to point out that this legislation follows what we could have considered to be setbacks last year, the defeat in the other body, the U.S. Senate, by one vote of the constitutional balanced budget amendment; the President's veto last year of the House-Senate passed 7-year balanced budget plan. But we did not let those temporary setbacks deter from us our primary goal, which was to put the country on the path to a balanced budget in 7 years or less.

As I look down at my fellow appropriator, the gentleman from New York [Mr. FORBES], I recall that going into these budget negotiations last year we really said a couple things. One, we said the Social Security trust fund would be off-budget, now and forever. No more borrowing from the Social Security trust fund to pay for other Federal spending or to mask the true size of the Federal budget deficit.

Secondly, we said in the negotiations themselves, between the principles, we would have two conditions and two conditions only: first, the budget would have to be balanced in 7 years; and, second, we would have to balance the budget using honest numbers provided by the nonpartisan Congressional Budget Office. No more budget gimmicks or smoke and mirrors.

So we have done that. In this legislation that we will be taking up within a matter of minutes now, we will have achieved and then some the first-year spending reduction targets, the first-year deficit reduction targets to put the country on a path to a balanced budget in 7 years.

But remember, colleagues, that that only deals with the one-third side of the Federal budget which is discretionary spending. We have this other two-thirds over here which is called mandatory spending, and it is the entitlement programs which have been on automatic pilot for years and growing as a result at an unsustainable rate.

Mr. Speaker, I simply want to conclude my remarks by saying that the problem with the Medicare trust funds is not going to go away. I introduce for the RECORD today two editorials that have appeared in northern California newspapers, one appearing in The New York Times' own Santa Rosa Press Democrat saying, ''Politics As Usual Won't Save Medicare,'' and the second appearing on the more liberal editorial page of the San Francisco Chronicle, ''Medicare Trust Fund Needs Swift Attention,'' with the excerpt, ''Medicare's Hospital Trust Fund is in even worse shape than officials projected last year.''

It is very clear from these editorials, from The New York Times article on February 5 of this year and then just earlier this week, April 23, that the Medicare trust fund is losing money at an alarming rate. There is clearly a trend developing here. We know from the media really, not from the Clinton administration but the media, that the Medicare trust fund lost $35.7 million last year and so far this year, in fiscal year 1996, has lost $4.2 billion.

So the point and the message here to my colleagues and to the American people is that Medicare is going broke faster than expected. The President did the wrong thing when he vetoed last year the only serious plan to reform Medicare. That is the plan that we put forward in this body and in the Senate which would have increased Medicare spending per Medicare recipient from $4,800 today to $7,300 7 years from now, increased Medicare spending, increased Medicare health care choices for Medicare recipients, and save the program from bankruptcy.

So this is a problem that is not going to go away. The program is continuing to head towards bankruptcy because the congressional Democrats and the President himself are choosing politics or playing politics instead of joining with us in a bipartisan fashion to address this very real problem.

The President should not have vetoed the Medicare Preservation Act. He should have in fact signed it. I dare say that if BOB DOLE was President, he would sign this very important legislation.

CONFERENCE REPORT ON H.R. 3019, BALANCED BUDGET DOWN PAYMENT ACT, II

Mr. LIVINGSTON submitted the following conference report and statement on the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–537)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3019) ''making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purpses,'' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted, insert:

That the following sums are 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 the Government for the fiscal year 1996, and for other purposes, namely:

TITLE I—OMNIBUS APPROPRIATIONS

SEC. 101. (a) For programs, projects or activities in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $74,282,000; including not to exceed $3,317,000 for the Facilities Program 2000, and including $5,000,000 for management and oversight of Immigration and Naturalization Service activities, both sums to remain available until expended: Provided, That not to exceed 48 permanent positions and 55 full-time equivalent workyears and $7,477,000 shall be expended for the Department Leadership Program, exclusive of augmentation that occurred in these offices in fiscal year 1995: Provided further, That not to exceed 76 permanent positions and 90 full-time equivalent workyears and $9,487,000 shall be expended for the Offices of Legislative Affairs, Public Affairs and Policy Development: Provided further, That the latter three aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $16,898,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this section shall be available only after the Attorney

General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $38,886,000: Provided, That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation for the Executive Office for Immigration Review and the Office of the Pardon Attorney shall be merged with this appropriation.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by sections 130005 and 130007 of Public Law 103–322, $47,780,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: Provided, That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation under title VIII of Public Law 103–317 for the Executive Office for Immigration Review shall be merged with this appropriation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $28,960,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,446,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $401,929,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $22,618,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through ''Salaries and Expenses'', General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States and credit to this appropriation, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year 1996.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101–512 (104 Stat. 1289).

In addition, for Salaries and Expenses, General Legal Activities, $12,000,000 shall be made available to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of Public Law 103–322, $7,591,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $65,783,000: Provided, That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premeger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $17,521,000: Provided further, That any fees received in excess of $48,262,000 in fiscal year 1996, shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, $895,509,000, of which not to exceed $2,500,000 shall be available until September 30, 1997 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts and $4,000,000 for security equipment shall remain available until expended: Provided further, That in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,595 positions and 8,862 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 190001(d), 40114 and 130005 of Public Law 103–322, $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $20,269,000 shall be available to help meet increased demands for litigation and related activities, $500,000 to implement a program to appoint additional Federal Victim's Counselors, and $9,231,000 for expeditious deportation of denied asylum applicants.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, $102,390,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), which shall be derived from the United States Trustee System Fund: Provided, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, not to exceed $44,191,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended, shall be retained and used for necessary expenses in this appropriation: Provided further, That the $102,390,000 herein appropriated from the United States Trustee System Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from such Fund estimated at not more than $58,199,000: Provided further, That any of the aforementioned fees collected in excess of $44,191,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $830,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; $423,248,000, as authorized by 28 U.S.C. 561(i), of which not to exceed $6,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of Public Law 103–322, $25,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For expenses related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; $252,820,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

In addition, for Federal Prisoner Detention, $9,000,000 shall be made available until expended to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $85,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $30,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,655,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $16,264,000, to become available on October 1, 1996.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $359,843,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,189,183,000, of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and $1,000,000 for undercover operations shall remain available until September 30, 1997; of which not less than $102,345,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That $58,000,000 shall be made available for NCIC 2000, of which not less than $35,000,000 shall be derived from ADP and Telecommunications unobligated balances, in addition, $22,000,000 shall be derived by transfer and available until expended from unobligated balances in the Working Capital Fund of the Department of Justice.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by Public Law 103–322, $218,300,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $208,800,000 shall be for activities authorized by section 190001(c); $4,000,000 for Training and Investigative Assistance authorized by section 210501(c)(2); and $5,500,000 for establishing DNA quality assurance and proficiency testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210306.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $97,589,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,208 passenger motor vehicles, of which 1,178 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $750,168,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1997, and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of Public Law 103–322, $60,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 813 of which 177 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $1,394,825,000, of which $36,300,000 shall remain available until September 30, 1997; of which $506,800,000 is available for the Border Patrol; of which not to exceed $400,000 for research shall remain available until expended; and of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 during the calendar year beginning January 1, 1996: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That the Attorney General may transfer to the Department of Labor and the Social Security Administration not to exceed $10,000,000 for programs to verify the immigration status of persons seeking employment in the United States: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless: (1) the checkpoints are open and traffic is being checked on a continuous 24-hour basis and (2) the Immigration and Naturalization Service undertakes a commuter lane facilitation pilot program at the San Clemente checkpoint within 90 days of enactment of this Act: Provided further, That the Immigration and Naturalization Service shall undertake the renovation and improvement of the San Clemente checkpoint, to include the addition of two to four lanes, and which shall be exempt from Federal procurement regulations for contract formation, from within existing balances in the Immigration and Naturalization Service Construction account: Provided further, That if renovation of the San Clemente checkpoint is not completed by July 1, 1996, the San Clemente checkpoint will close until such time as the renovations and improvements are completed unless funds for the continued operation of the checkpoint are provided and made available for obligation and expenditure in accordance with procedures set forth in section 605 of this Act, as the result of certification by the Attorney General that exigent circumstances require the checkpoint to be open and delays in completion of the renovations are not the result of any actions that are or have been in the control of the Department of Justice: Provided further, That the Office of Public Affairs at the Immigration and Naturalization Service shall conduct its business in areas only relating to its central mission, including: research, analysis, and dissemination of information, through the media and other communications outlets, relating to the activities of the Immigration and Naturalization Service: Provided further, That the Office of Congressional Relations at the Immigration and Naturalization Service shall conduct business in areas only relating to its central mission, including: providing services to Members of Congress relating to constituent inquiries and requests for information; and working with the relevant congressional committees on proposed legislation affecting immigration matters: Provided further, That in addition to amounts otherwise made available in this title to the Attorney General, the Attorney General is authorized to accept and utilize, on behalf of the United States, the $100,000 Innovation in American Government Award for

1995 from the Ford Foundation for the Immigration and Naturalization Service's Operation Jobs program.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130005, 130006, and 130007 of Public Law 103–322, $316,198,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund, of which $38,704,000 shall be for expeditious deportation of denied asylum applicants, $231,570,000 for improving border controls, and $45,924,000 for expanded special deportation proceedings: Provided, That of the amounts made available, $75,765,000 shall be for the Border Patrol.

CONSTRUCTION

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $25,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 853, of which 559 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,567,578,000: Provided, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1997: Provided further, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 for the care and security in the United States of Cuban and Haitian entrants: Provided further, That no funds appropriated in this Act shall be used to privatize any Federal prison facilities located in Forrest City, Arkansas, and Yazoo City, Mississippi.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of Public Law 103–322, $13,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $334,728,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this Act or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further, That of the total amount appropriated, not to exceed $22,351,000 shall be available for the renovation and construction of United States Marshals Service prisoner holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,559,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $99,977,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524).

VIOLENT CRIME REDUCTION PROGRAMS, JUSTICE ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the ''Justice Assistance'' account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''); $202,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $6,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; $750,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; $130,000,000 for Grants to Combat Violence Against Women to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act; $28,000,000 for Grants to Encourage Arrest Policies to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; $7,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; $1,000,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994; $50,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the Omnibus Crime Control and Safe Streets Act of 1968; $200,000 for the study of State databases on the incidence of sexual and domestic violence, as authorized by section 40292 of the Violent Crime Control and Law Enforcement Act of 1994; $1,500,000 for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; $27,000,000 for grants for residential substance abuse treatment for State prisoners authorized by section 1001(a)(17) of the 1968 Act; and $900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(d) of the 1994 Act: Provided, That any balances for these programs shall be transferred to and merged with this appropriation.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $388,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $60,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs: Provided, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the ''Justice Assistance'' account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''); $1,605,200,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $503,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a ''unit of local government'' as well as a ''state'', for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other federal grant program: Provided further, That notwithstanding any other provision of this title, the Attorney General may transfer up to $18,000,000 of this amount for drug courts pursuant to title V of the 1994 Act, consistent with the reprogramming procedures outlined in section 605 of this Act: Provided further, That in lieu of any amount provided from the Local

Law Enforcement Block Grant for the District of Columbia, $15,000,000 shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8, for the District of Columbia Metropolitan Police Department for law enforcement purposes and shall be disbursed from such escrow account pursuant to the instructions of the Authority and in accordance with a plan developed by the Chief of Police, after consultation with the Committees on Appropriations and Judiciary of the Senate and House of Representatives: Provided further, That $11,000,000 of this amount shall be for Boys & Girls Clubs of America for the establishment of Boys & Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; $25,000,000 for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; $147,000,000 as authorized by section 1001 of title I of the 1968 Act, which shall be available to carry out the provisions of subpart 1, part E of title I of the 1968 Act, notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; $300,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; $617,500,000 for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (as amended by section 114 of this Act), of which $200,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $12,500,000 shall be available for the Cooperative Agreement Program; $1,000,000 for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; $9,000,000 for Improved Training and Technical Automation Grants, as authorized by section 210501(c)(1) of the 1994 Act; $1,000,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; $500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; $1,000,000 for Gang Investigation Coordination and Information Collection, as authorized by section 150006 of the 1994 Act; $200,000 for grants as authorized by section 32201(c)(3) of the 1994 Act: Provided further, That funds made available in fiscal year 1996 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: Provided further, That any 1995 balances for these programs shall be transferred to and merged with this appropriation: Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act'') (including administrative costs); $1,400,000,000, to remain available until expended, which shall be derived froim the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That of this amount, $10,000,000 shall be available for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the 1994 Act: Provided further, That not to exceed 130 permanent positions and 130 full-time equivalent workyears and $14,602,000 shall be expended for program management and administration.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $28,500,000, which shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $144,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) $100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of the Act; (2) $10,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $4,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $4,500,000, to remain available until expended, as authorized by section 214B, of the Act: Provided, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340), and, in addition, $2,134,000, to remain available until expended, for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 114. (a) GRANT PROGRAM.—Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

''Subtitle A—Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants

''SEC. 20101. DEFINITIONS.

''Unless otherwise provided, for purposes of this subtitle—

''(1) the term 'indeterminate sentencing' means a system by which—

''(A) the court may impose a sentence of a range defined by statute; and

''(B) an administrative agency, generally the parole board, or the court, controls release within the statutory range;

''(2) the term 'part 1 violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports; and

''(3) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

''SEC. 20102. AUTHORIZATION OF GRANTS.

''(a) IN GENERAL.—The Attorney General shall provide Violent Offender Incarceration grants under section 20103 and Truth-in-Sentencing Incentive grants under section 20104 to eligible States—

''(1) to build or expand correctional facilities to increase the bed capacity for the confinement of persons convicted of a part 1 violent crime or adjudicated delinquent for an act which if committed by an adult, would be a part 1 violent crime;

''(2) to build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted nonviolent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a part 1 violent crime; and

''(3) to build or expand jails.

''(b) REGIONAL COMPACTS.—

''(1) IN GENERAL.—Subject to paragraph (2), States may enter into regional compacts to carry out this subtitle. Such compacts shall be treated as States under this subtitle.

''(2) REQUIREMENT.—To be recognized as a regional compact for eligibility for a grant under section 20103 or 20104, each member State must be eligible individually.

''(3) LIMITATION ON RECEIPT OF FUNDS.—No State may receive a grant under this subtitle both individually and as part of a compact.

''(c) APPLICABILITY.—Notwithstanding the eligibility requirements of section 20104, a State that certifies to the Attorney General that, as of the date of enactment of the Department of Justice Appropriations Act, 1996, such State has enacted legislation in reliance on subtitle A of title II of the Violent Crime Control and Law Enforcement Act, as enacted on September 13, 1994, and would in fact qualify under those provisions, shall be eligible to receive a grant for fiscal year 1996 as though such State qualifies under section 20104 of this subtitle.

''SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.

''(a) ELIGIBILITY FOR MINIMUM GRANT.—To be eligible to receive a minimum grant under this section, a State shall submit an application to the Attorney General that provides assurances that the State has implemented, or will implement, correctional policies and programs, including truth-in-sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public.

''(b) ADDITIONAL AMOUNT FOR INCREASED PERCENTAGE OF PERSONS SENTENCED AND TIME

SERVED.—A State that received a grant under subsection (a) is eligible to receive additional grant amounts if such State demonstrates that the State has, since 1993—

''(1) increased the percentage of persons arrested for a part 1 violent crime sentenced to prison; or

''(2) increased the average prison time actually served or the average percent of sentence served by persons convicted of a part 1 violent crime.

Receipt of grant amounts under this subsection does not preclude eligibility for a grant under subsection (c).

''(c) ADDITIONAL AMOUNT FOR INCREASED RATE OF INCARCERATION AND PERCENTAGE OF SENTENCE SERVED.—A State that received a grant under subsection (a) is eligible to receive additional grant amounts if such State demonstrates that the State has—

''(1) since 1993, increased the percentage of persons arrested for a part 1 violent crime sentenced to prison, and has increased the average percent of sentence served by persons convicted of a part 1 violent crime; or

''(2) has increased by 10 percent or more over the most recent 3-year period the number of new court commitments to prison of persons convicted of part 1 violent crimes.

Receipt of grant amounts under this subsection does not preclude eligibility for a grant under subsection (b).

''SEC. 20104. TRUTH-IN-SENTENCING INCENTIVE GRANTS.

''(a) ELIGIBILITY.—To be eligible to receive a grant award under this section, a State shall submit an application to the Attorney General that demonstrates that—

''(1) such State has implemented truth-in-sentencing laws that—

''(A) require persons convicted of a part 1 violent crime to serve not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior); or

''(B) result in persons convicted of a part 1 violent crime serving on average not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior);

''(2) such State has truth-in-sentencing laws that have been enacted, but not yet implemented, that require such State, not later than 3 years after such State submits an application to the Attorney General, to provide that persons convicted of a part 1 violent crime serve not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior); or

''(3) in the case of a State that on the date of enactment of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1996, practices indeterminate sentencing with regard to any part 1 violent crime—

''(A) persons convicted of a part 1 violent crime on average serve not less than 85 percent of the prison term established under the State's sentencing and release guidelines; or

''(B) persons convicted of a part 1 violent crime on average serve not less than 85 percent of the maximum prison term allowed under the sentence imposed by the court (not counting time not actually served such as administrative or statutory incentives for good behavior).

''(b) EXCEPTION.—Notwithstanding subsection (a), a State may provide that the Governor of the State may allow for the earlier release of—

''(1) a geriatric prisoner; or

''(2) a prisoner whose medical condition precludes the prisoner from posing a threat to the public, but only after a public hearing in which representatives of the public and the prisoner's victims have had an opportunity to be heard regarding a proposed release.

''SEC. 20105. SPECIAL RULES.

''(a) SHARING OF FUNDS WITH COUNTIES AND OTHER UNITS OF LOCAL GOVERNMENT.—

''(1) RESERVATION.—Each State shall reserve not more than 15 percent of the amount of funds allocated in a fiscal year pursuant to section 20106 for counties and units of local government to construct, develop, expand, modify, or improve jails and other correctional facilities.

''(2) FACTORS FOR DETERMINATION OF AMOUNT.—To determine the amount of funds to be reserved under this subsection, a State shall consider the burden placed on a county or unit of local government that results from the implementation of policies adopted by the State to carry out section 20103 or 20104.

''(b) ADDITIONAL REQUIREMENT.—To be eligible to receive a grant under section 20103 or 20104, a State shall provide assurances to the Attorney General that the State has implemented or will implement not later than 18 months after the date of the enactment of this subtitle, policies that provide for the recognition of the rights and needs of crime victims.

''(c) FUNDS FOR JUVENILE OFFENDERS.—Notwithstanding any other provision of this subtitle, if a State, or unit of local government located in a State that otherwise meets the requirements of section 20103 or 20104, certifies to the Attorney General that exigent circumstances exist that require the State to expend funds to build or expand facilities to confine juvenile offenders other than juvenile offenders adjudicated delinquent for an act which, if committed by an adult, would be a part 1 violent crime, the State may use funds received under this subtitle to build or expand juvenile correctional facilities or pretrial detention facilities for juvenile offenders.

''(d) PRIVATE FACILITIES.—A State may use funds received under this subtitle for the privatization of facilities to carry out the purposes of section 20102.

''(e) DEFINITION.—For purposes of this subtitle, ''part 1 violent crime'' means a part 1 violent crime as defined in section 20101(3), or a crime in a reasonably comparable class of serious violent crimes as approved by the Attorney General.

''SEC. 20106. FORMULA FOR GRANTS.

''(a) ALLOCATION OF VIOLENT OFFENDER INCARCERATION GRANTS UNDER SECTION 20103.—

''(1) FORMULA ALLOCATION.—85 percent of the amount available for grants under section 20103 for any fiscal year shall be allocated as follows (except that a State may not receive more than 9 percent of the total amount of funds made available under this paragraph):

''(A) 0.75 percent shall be allocated to each State that meets the requirements of section 20103(a), except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under section 20103(a), shall each be allocated 0.05 percent.

''(B) The amount remaining after application of subparagraph (A) shall be allocated to each State that meets the requirements of section 20103(b), in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 20103(b) to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

''(2) ADDITIONAL ALLOCATION.—15 percent of the amount available for grants under section 20103 for any fiscal year shall be allocated to each State that meets the requirements of section 20103(c) as follows:

''(A) 3.0 percent shall be allocated to each State that meets the requirements of section 20103(c), except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under such subsection, shall each be allocated 0.03 percent.

''(B) The amount remaining after application of subparagraph (A) shall be allocated to each State that meets the requirements of section 20103(c), in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 20102(c) to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

''(b) ALLOCATION OF TRUTH-IN-SENTENCING GRANTS UNDER SECTION 20104.—The amounts available for grants for section 20104 shall be allocated to each State that meets the requirements of section 20104 in the ratio that the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 20104 to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.

''(c) UNAVAILABLE DATA.—If data regarding part 1 violent crimes in any State is substantially inaccurate or is unavailable for the 3 years preceding the year in which the determination is made, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this subtitle.

''(d) REGIONAL COMPACTS.—In determining the amount of funds that States organized as a regional compact may receive, the Attorney General shall first apply the formula in either subsection (a) or (b) and (c) of this section to each member State of the compact. The States organized as a regional compact may receive the sum of the amounts so determined.

''SEC. 20107. ACCOUNTABILITY.

''(a) FISCAL REQUIREMENTS.—A State that receives funds under this subtitle shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Attorney General, and shall ensure that any funds used to carry out the programs under section 20102(a) shall represent the best value for the State governments at the lowest possible cost and employ the best available technology.

''(b) ADMINISTRATIVE PROVISIONS.—The administrative provisions of sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply to the Attorney General under this subtitle in the same manner that such provisions apply to the officials listed in such sections.

''SEC. 20108. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—

''(1) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this subtitle—

''(A) $997,500,000 for fiscal year 1996;

''(B) $1,330,000,000 for fiscal year 1997;

''(C) $2,527,000,000 for fiscal year 1998;

''(D) $2,660,000,000 for fiscal year 1999; and

''(E) $2,753,100,000 for fiscal year 2000.

''(2) DISTRIBUTION.—

''(A) IN GENERAL.—Of the amounts remaining after the allocation of funds for the purposes set forth under sections 20110, 20111, and 20109, the Attorney General shall, from amounts authorized to be appropriated under paragraph (1) for each fiscal year, distribute 50 percent for incarceration grants under section 20103, and 50 percent for incentive grants under section 20104.

''(B) DISTRIBUTION OF MINIMUM AMOUNTS.—The Attorney General shall distribute minimum

amounts allocated for section 20103(a) to an eligible State not later than 30 days after receiving an application that demonstrates that such State qualifies for a Violent Offender Incarceration grant under section 20103 or a Truth-in-Sentencing Incentive grant under section 20104.

''(b) LIMITATIONS ON FUNDS.—

''(1) USES OF FUNDS.—Except as provided in section 20110 and 20111, funds made available pursuant to this section shall be used only to carry out the purposes described in section 20102(a).

''(2) NONSUPPLANTING REQUIREMENT.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

''(3) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds that remain available after carrying out sections 20109, 20110, and 20111 shall be available to the Attorney General for purposes of—

''(A) administration;

''(B) research and evaluation, including assessment of the effect on public safety and other effects of the expansion of correctional capacity and sentencing reforms implemented pursuant to this subtitle;

''(C) technical assistance relating to the use of grant funds, and development and implementation of sentencing reforms implemented pursuant to this subtitle; and

''(D) data collection and improvement of information systems relating to the confinement of violent offenders and other sentencing and correctional matters.

''(4) CARRYOVER OF APPROPRIATIONS.—Funds appropriated pursuant to this section during any fiscal year shall remain available until expended.

''(5) MATCHING FUNDS.—The Federal share of a grant received under this subtitle may not exceed 90 percent of the costs of a proposal as described in an application approved under this subtitle.

''SEC. 20109. PAYMENTS FOR INCARCERATION ON TRIBAL LANDS.

''(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this subtitle other than section 20108(a)(2), from amounts appropriated to carry out sections 20103 and 20104, the Attorney General shall reserve, to carry out this section—

''(1) 0.3 percent in each of fiscal years 1996 and 1997; and

''(2) 0.2 percent in each of fiscal years 1998, 1999, and 2000.

''(b) GRANTS TO INDIAN TRIBES.—From the amounts reserved under subsection (a), the Attorney General may make grants to Indian tribes for the purposes of constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction.

''(c) APPLICATIONS.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

''SEC. 20110. PAYMENTS TO ELIGIBLE STATES FOR INCARCERATION OF CRIMINAL ALIENS.

''(a) IN GENERAL.—The Attorney General shall make a payment to each State which is eligible under section 242(j) of the Immigration and Nationality Act in such amount as is determined under section 242(j), and for which payment is not made to such State for such fiscal year under such section.

''(b) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provision of this subtitle, there are authorized to be appropriated to carry out this section from amounts authorized under section 20108, an amount which when added to amounts appropriated to carry out section 242(j) of the Immigration and Nationality Act for fiscal year 1996 equals $500,000,000 and for each of the fiscal years 1997 through 2000 does not exceed $650,000,000.

''(c) ADMINISTRATION.—The amounts appropriated to carry out this section shall be reserved from the total amount appropriated for each fiscal year and shall be added to the other funds appropriated to carry out section 242(j) of the Immigration and Nationality Act and administered under such section.

''(d) REPORT TO CONGRESS.—Not later than May 15, 1999, the Attorney General shall submit a report to the Congress which contains the recommendation of the Attorney General concerning the extension of the program under this section.

''SEC. 20111. SUPPORT OF FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

''(a) IN GENERAL.—The Attorney General may make payments to States and units of local government for the purposes authorized in section 4013 of title 18, United States Code.

''(b) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provision of this subtitle other than section 20108(a)(2), there are authorized to be appropriated from amounts authorized under section 20108 for each of fiscal years 1996 through 2000 such sums as may be necessary to carry out this section.

''SEC. 20112. REPORT BY THE ATTORNEY GENERAL.

''Beginning on October 1, 1996, and each subsequent July 1 thereafter, the Attorney General shall report to the Congress on the implementation of this subtitle, including a report on the eligibility of the States under sections 20103 and 20104, and the distribution and use of funds under this subtitle.''.

(b) CONFORMING AMENDMENTS.—

(1) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—

(A) PART V.—Part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(B) FUNDING.—

(i) Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking paragraph (20).

(ii) Notwithstanding the provisions of subparagraph (A), any funds that remain available to an applicant under paragraph (20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be used in accordance with part V of such Act as if such Act was in effect on the day preceding the date of enactment of this Act.

(2) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—

(A) TABLE OF CONTENTS.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to title V.

(B) COMPLIANCE.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under title V of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as if such subtitle was in effect on the day preceding the date of enactment of this Act.

(C) TRUTH-IN-SENTENCING.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to subtitle A of title II and inserting the following:

''SUBTITLE A—VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING INCENTIVE GRANTS

''Sec. 20101. Definitions.
''Sec. 20102. Authorization of Grants.
''Sec. 20103. Violent offender incarceration grants.
''Sec. 20104. Truth-in-sentencing incentive grants.
''Sec. 20105. Special rules.
''Sec. 20106. Formula for grants.
''Sec. 20107. Accountability.
''Sec. 20108. Authorization of appropriations.
''Sec. 20109. Payments for Incarceration on Tribal Lands.
''Sec. 20110. Payments to eligible States for incarceration of criminal aliens.
''Sec. 20111. Support of Federal prisoners in non-Federal institutions.
''Sec. 20112. Report by the Attorney General.''.

SEC. 120. The pilot debt collection project authorized by Public Law 99–578, as amended, is extended through September 30, 1997.

SEC. 121. The definition of ''educational expenses'' in Section 200103 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 is amended to read as follows: ''educational expenses'' means expenses that are directly attributable to a course of education leading to the award of either a baccalaureate or graduate degree in a course of study which, in the judgment of the State or local police force to which the participant will be assigned, includes appropriate preparation for police service including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.''

SEC. 122. Section 524(c) of title 28, United States Code, is amended by striking subparagraph (8)(E), as added by section 110 of the Department of Justice and Related Agencies Appropriations Act, 1995 (P.L. 103–317, 108 Stat. 1735 (1994)).

This title may be cited as the ''Department of Justice Appropriations Act, 1996''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $20,889,000, of which $2,500,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $40,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment;

$264,885,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $38,604,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $328,500,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided further, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $20,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $32,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $45,900,000, to remain available until September 30, 1997.

ECONOMICS AND STATISTICS ADMINISTRATION

REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by 15 U.S.C. 1525–1527 and, notwithstanding 15 U.S.C. 4912, charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $133,812,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $150,300,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $17,000,000 to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce is authorized to charge Federal agencies for spectrum management, analysis, and operations, and related services: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for spectrum management, analysis, and operations, and related services and for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $2,200,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391 of the Act including support of the Advisory Council on National Information Infrastructure: Provided further, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; $82,324,000, to remain available until expended: Provided, That the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: Provided further, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $259,000,000, to remain available until expended, of which not to exceed $8,500,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership and the Advanced Technology Program of the National Institute of Standards and Technology, $301,000,000, to remain available until expended, of which $80,000,000 shall be for the Manufacturing Extension Partnership, and of which $221,000,000 shall be for the Advanced Technology Program: Provided, That not to exceed $500,000 may be transferred to the ''Working Capital Fund''.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $60,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 358 commissioned officers on the active list; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,795,677,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering

aeronautical charting programs: Provided further, That the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1996, so as to result in a final general fund appropriation estimated at not more than $1,792,677,000: Provided further, That any such additional fees received in excess of $3,000,000 in fiscal year 1996 shall not be available for obligation until October 1, 1996: Provided further, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $63,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': Provided further, That grants to States pursuant to sections 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, for purposes set forth in 16 U.S.C. 1456a(b)(2)(A), 16 U.S.C. 1456a(b)(2)(B)(v), and 16 U.S.C. 1461(e).

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $50,000,000, to remain available until expended.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $8,000,000, to remain available until expended.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $1,032,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $999,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627) and the American Fisheries Promotion Act (Public Law 96–561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $196,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $250,000: Provided, That none of the funds made available under this heading may be used to guarantee loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $7,000,000.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $29,100,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $19,849,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $75,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce to cover the costs of actions relating to the abolishment, reorganization or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That no monies appropriated under this Act or any other law shall be used by the Secretary of Commerce to issue final determinations under subsections (a), (b), (c), (e), (g) or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), until such time as legislation reauthorizing the Act is enacted or until the end of fiscal year 1996, whichever is earlier, except that monies appropriated under this Act may be used to delist or reclassify species pursuant to subsections 4(a)(2)(B), 4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Endangered Species Act, and may be used to issue emergency listings under section 4(b)(7) of the Endangered Species Act.

SEC. 207. Notwithstanding any other provision of law (including any regulation and including the Public Works and Economic Development Act of 1965), the transfer of title to the Rutland City Industrial Complex to Hilinex, Vermont (as related to Economic Development Administration Project Number 01–11–01742) shall not require compensation to the Federal Government for the fair share of the Federal Government of that real property.

SEC. 208. (a) IN GENERAL.—The Secretary of Commerce, acting through the Assistant Secretary for Economic Development of the Department of Commerce, shall—

(1) not later than January 1, 1996, commence the demolition of the structures on, and the cleanup and environmental remediation on, the parcel of land described in subsection (b);

(2) not later than March 31, 1996, complete the demolition, cleanup, and environmental remediation under paragraph (1); and

(3) not later than April 1, 1996, convey the parcel of land described in subsection (b), in accordance with the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), to the Tuscaloosa County Industrial Development Authority, on receipt of payment of the fair market value for the parcel by the Authority, as agreed on by the Secretary and the Authority.

(b) LAND PARCEL.—The parcel of land referred to in subsection (a) is the parcel of land consisting of approximately 41 acres in Holt, Alabama (in Tuscaloosa County), that is generally known as the ''Central Foundry Property'', as depicted on a map, and as described in a legal description, that the Secretary, acting through the Assistant Secretary for Economic Development, determines to be satisfactory.

SEC. 209. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 210. None of the funds appropriated under this Act or any other Act may be used to develop new fishery management plans, amendments or regulations which create new individual fishing quota, individual transferable quota,

or new individual transferable effort allocation programs, or to implement any such plans, amendments or regulations approved by a Regional Fishery Management Council or the Secretary of Commerce after January 4, 1995, until offsetting fees to pay for the cost of administering such plans, amendments or regulations are expressly authorized under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). This restriction shall not apply in any way to any such programs approved by the Secretary of Commerce prior to January 4, 1995.

SEC. 211. Section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)) is amended—

(1) in the heading, by striking ''Grants'' and inserting ''Assistance'';

(2) in paragraph (1), by striking ''award grants to persons engaged in commercial fisheries, for uninsured losses determined by the Secretary to have been suffered'' and inserting ''help persons engaged in commercial fisheries, either by providing assistance directly to those persons or by providing assistance indirectly through States and local government agencies and nonprofit organizations, for projects or other measures to alleviate harm determined by the Secretary to have been incurred'';

(3) in paragraph (3), by striking ''a grant'' and inserting ''direct assistance to a person'';

(4) in paragraph (3), by striking ''gross revenues annually,'' and inserting ''net revenues annually from commercial fishing,'';

(5) by striking paragraph (4) and inserting the following:

''(4)(A) Assistance may not be provided under this subsection as part of a fishing capacity reduction program in a fishery unless the Secretary determines that adequate conservation and management measures are in place in that fishery.

''(B) As a condition of awarding assistance with respect to a vessel under a fishing capacity reduction program, the Secretary shall—

''(i) prohibit the vessel from being used for fishing; and

''(ii) require that the vessel be—

''(I) scrapped or otherwise disposed of in a manner approved by the Secretary; or

''(II) donated to a nonprofit organization and thereafter used only for purposes of research, education, or training; or

''(III) used for another non-fishing purpose provided the Secretary determines that adequate measures are in place to ensure that the vessel cannot reenter any fishery.

''(C) A vessel that is prohibited from fishing under subparagraph (B) shall not be eligible for a fishery endorsement under section 12108(a) of title 46, United States Code, and any such endorsement for the vessel shall not be effective.''; and

(6) in paragraph (5), by striking ''for awarding grants'' and all that follows through the end of the paragraph and inserting ''for receiving assistance under this subsection.''.

SEC. 212. The Secretary may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 1996''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $25,834,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,313,000, of which $500,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $14,288,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $10,859,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,433,141,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,318,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $267,217,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): Provided, That none of the funds provided in this Act shall be available for Death Penalty Resource Centers or Post-Conviction Defender Organizations after April 1, 1996.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $59,028,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $102,000,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $47,500,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,914,000; of which $1,800,000 shall remain available through September 30, 1997, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $24,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,000,000, and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93–236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and other Judicial Services, Defender Services'', shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 305. Section 333 of title 28, United States Code, is amended—

(1) in the first paragraph by striking ''shall'' the first, second, and fourth place it appears and inserting ''may''; and

(2) in the second paragraph—

(A) by striking ''shall'' the first place it appears and inserting ''may''; and

(B) by striking '', and unless excused by the chief judge, shall remain throughout the conference''.

This title may be cited as ''The Judiciary Appropriations Act, 1996''.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration, $1,708,800,000: Provided, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), not to exceed $125,000,000 of fees may be collected during fiscal year 1996 under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal year 1996 as an offsetting collection to appropriations made under this heading to recover the costs of providing consular services and shall remain available until expended: Provided further, That starting in fiscal year 1997, a system shall be in place that allocates to each department and agency the full cost of its presence outside of the United States.

Of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and not to exceed $17,144,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended. Of the latter amount, $2,500,000 shall not be made available until expiration of the 15 day period beginning on the date when the Secretary of State and the Director of the Diplomatic Telecommunications Service submit the pilot program report required by section 507 of Public Law 103–317.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717; and in addition not to exceed $1,223,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553, as amended by section 120 of Public Law 101–246); and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State of Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts, ''Diplomatic and Consular Programs'' and ''Salaries and Expenses'' under the heading ''Administration of Foreign Affairs'' may be transferred between such appropriation accounts: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

For an additional amount for security enhancements to counter the threat of terrorism, $9,720,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,276,000.

For an additional amount for security enhancements to counter the threat of terrorism, $1,870,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $16,400,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds appropriated under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,369,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections: Provided, That notwithstanding any other provision of law, (1) the Office of the Inspector General of the United States Information Agency is hereby merged with the Office of the Inspector General of the Department of State; (2) the functions exercised and assigned to the Office of the Inspector General of the United States Information Agency before the effective date of this Act (including all related functions) are transferred to the Office of the Inspector General of the Department of State; and (3) the Inspector General of the Department of State shall also serve as the Inspector General of the United States Information Agency.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,500,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,579,000.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $385,760,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $6,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $15,165,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,402,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $892,000,000: Provided, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 for fiscal year 1996: Provided further, That certification under section 401(b) of Public Law 103–236 for fiscal year 1996 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That of the funds appropriated in this paragraph, $80,000,000 may be made available only on a quarterly basis and only after the Secretary of State certifies on a quarterly basis that the United Nations has taken no action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere

in the United Nations budget and cause the United Nations to exceed its no growth budget for the biennium 1996–1997 adopted in December, 1995.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $359,000,000: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $3,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $12,058,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,644,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,800,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,669,000: Provided, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $5,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $38,700,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); $445,645,000: Provided, That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: Provided further, That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: Provided further, That not to exceed $1,700,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $200,000,000, to remain available until expended as authorized by 22 U.S.C. 2455:

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–05), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1996, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1996, to remain available until expended.

AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

For necessary expenses of American Studies Collections as authorized by section 235 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, all interest and earnings accruing to the American Studies Collections Endowment Fund on or before September 30, 1996, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities; $325,191,000, of which $5,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by 22 U.S.C. 1474(3), not to exceed $35,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed $250,000 from fees as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended, to remain available until expended for carrying out authorized purposes; and in addition, notwithstanding any other provision of law, not to exceed $1,000,000 in monies received (including receipts from advertising, if any) by or for the use of the United States Information Agency from or in connection with broadcasting resources owned by or on behalf of the Agency, to be available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,809,000 to remain available until expended: Provided, That not later than April 1, 1996, the headquarters of the Office of Cuba Broadcasting shall be relocated from Washington, D.C. to south Florida, and that any funds available under the headings ''International Broadcasting Operations'', ''Broadcasting to Cuba'', and ''Radio Construction'' may be available to carry out this relocation.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities

for radio transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, $40,000,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $11,750,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $2,000,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

SEC. 404. (a) No later than 90 days after enactment of legislation consolidating, reorganizing or downsizing the functions of the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, the Secretary of State, the Director of the United States Information Agency and the Director of the Arms Control and Disarmament Agency shall submit to the Committees on Appropriations of the House and the Senate a proposal for transferring or rescinding funds appropriated herein for functions that are consolidated, reorganized or downsized under such legislation: Provided, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of State, the Director of the United States Information Agency, and the Director of the Arms Control and Disarmament Agency, as appropriate, may use any available funds to cover the costs of actions to consolidate, reorganize or downsize the functions under their authority required by such legislation, and of any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 402 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 405. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

SEC. 406. Section 36(a)(1) of the State Department Authorities Act of 1956, as amended (22 U.S.C. 2708), is amended to delete ''may pay a reward'' and insert in lieu thereof ''shall establish and publicize a program under which rewards may be paid''.

SEC. 407. Sections 6(a) and 6(b) of Public Law 101–454 are repealed. In addition, notwithstanding any other provision of law, Eisenhower Exchange Fellowships, Incorporated, may use one-third of any earned but unused trust income from the period 1992 through 1995 for Fellowship purposes in each of fiscal years 1996 through 1998.

SEC. 408. It is the sense of the Senate that none of the funds appropriated or otherwise made available pursuant to this Act should be used for the deployment of combat-equipped forces of the Armed Forces of the United States for any ground operations in Bosnia and Herzegovina unless—

(1) Congress approves in advance the deployment of such forces of the Armed Forces; or

(2) the temporary deployment of such forces of the Armed Forces of the United States into Bosnia and Herzegovina is necessary to evacuate United Nations peacekeeping forces from a situation of imminent danger, to undertake emergency air rescue operations, or to provide for the airborne delivery of humanitarian supplies, and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the deployment.

SEC. 409. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 410. Section 235 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) is amended by inserting ''Tinian,'' after ''Sao Tome,''.

SEC. 411. The appropriation for the Arms Control and Disarmament Agency in Public Law 103–317 (108 Stat. 1768) is amended by deleting after ''until expended'' the following: ''only for activities related to the implementation of the Chemical Weapons Convention'': Provided, That amounts made available shall not be used to undertake new programs or to increase employment above levels on board at the time of enactment of this Act.

This title may be cited as the ''Department of State and Related Agencies Appropriations Act, 1996''.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $162,610,000, to remain available until expended.

MARITIME NATIONAL SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States as determined by the Secretary of Defense in consultation with the Secretary of Transportation, $46,000,000, to remain available until expended: Provided, That these funds will be available only upon enactment of an authorization for this program.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $66,600,000, to remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies and may be transferred to the Secretary of the Interior for use as provided in the National Maritime Heritage Act (Public Law 103–451): Provided further, That reimbursements may be made to this appropriation from receipts to the ''Federal Ship Financing Fund'' for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act of 1936, $40,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,500,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936,

or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $206,000, as authorized by Public Law 99–83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,750,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $1,894,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council, $50,000: Provided, That this shall be the final Federal payment to the Competitiveness Policy Council.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed $26,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $233,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $185,709,000, of which not to exceed $300,000 shall remain available until September 30, 1997, for research and policy studies: Provided, That $126,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at $59,309,000: Provided further, That any offsetting collections received in excess of $126,400,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: Provided further, That the Commission shall amend its schedule of regulatory fees set forth in section 1.1153 of title 47, CFR, authorized by section 9 of title I of the Communications Act of 1934, as amended by: (1) striking ''$22,420'' in the Annual Regulatory Fee column for VHF Commercial Markets 1 through 10 and inserting ''$32,000''; (2) striking ''$19,925'' in the Annual Regulatory Fee column for VHF Commercial Markets 11 through 25 and inserting ''$26,000''; (3) striking ''$14,950'' in the Annual Regulatory Fee column for VHF Commercial Markets 26 through 50 and inserting ''$17,000''; (4) striking ''$9,975'' in the Annual Regulatory Fee column for VHF Commercial Markets 51 through 100 and inserting ''$9,000''; (5) striking ''$6,225'' in the Annual Regulatory Fee column for VHF Commercial Remaining Markets and inserting ''$2,500''; and (6) striking ''$17,925'' in the Annual Regulatory Fee column for UHF Commercial Markets 1 through 10 and inserting ''$25,000''; (7) striking ''$15,950'' in the Annual Regulatory Fee column for UHF Commercial Markets 11 through 25 and inserting ''$20,000''; (8) striking ''$11,950'' in the Annual Regulatory Fee column for UHF Commercial Markets 26 through 50 and inserting ''$13,000''; (9) striking ''$7,975'' in the Annual Regulatory Fee column for UHF Commercial Markets 51 through 100 and inserting ''$7,000''; and (10) striking ''$4,975'' in the Annual Regulatory Fee column for UHF Commercial Remaining Markets and inserting ''$2,000'': Provided further, That the Federal Communications Commission shall, not later than 30 days after receipt of a petition by WQED, Pittsburgh, determine, without conducting a rulemaking or other proceeding, whether to amend section 73.606 of Title 47l, Code of Federal Regulations, by deleting the asterisk for the channel operating on 482–488 MHz in Pittsburgh, Pennsylvania, based on the public interest, the existing common ownership of two noncommercial broadcasting stations in Pittsburgh, the financial distress of the licensee, and the threat to the public of losing or impairing local public broadcasting service in the area: Provided further, That the Federal Communications Commission may solicit such comments as it deems necessary in making this determination: Provided further, That part of the determination, the Federal Communications Commission shall not be required, notwithstanding any other provision of law, to open the channel to general application, and may determine that the license therefor may be assigned by the licensee, subject to prompt approval of the proposed assignee by the Federal Communications Commission, and that the proceeds of the initial assignment of the license for such channel, or any portion thereof, shall be used solely in furtherance of noncommercial broadcast operations, or for such other purpose as the Federal Communications Commission may determine appropriate.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–02; $14,855,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $79,568,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $31,306,000, to remain available until expended: Provided further, That any fees received in excess of $48,262,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission, as authorized by Public Law 94–118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,247,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $278,000,000, of which $269,400,000 is for basic field programs and required independent audits carried out in accordance with section 509; $1,500,000 is for the Office of the Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients in accordance with section 509 of this Act; and $7,100,000 is for management and administration: Provided, That $198,750,000 of the total amount provided under this heading for basic field programs shall not be available except for the competitive award of grants and contracts under section 503 of this Act.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) Funds appropriated under this Act to the Legal Services Corporation for basic field programs shall be distributed as follows:

(1) The Corporation shall define geographic areas and make the funds available for each geographic area on a per capita basis relative to the number of individuals in poverty determined by the Bureau of the Census to be within the geographic area, except as provided in paragraph (2)(B). Funds for such a geographic area may be

distributed by the Corporation to 1 or more persons or entities eligible for funding under section 1006(a)(1)(A) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)), subject to sections 502 and 504.

(2) Funds for grants from the Corporation, and contracts entered into by the Corporation for basic field programs, shall be allocated so as to provide—

(A) except as provided in subparagraph (B), an equal figure per individual in poverty for all geographic areas, as determined on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code (or, in the case of the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, Alaska, Hawaii, and the United States Virgin Islands, on the basis of the adjusted population counts historically used as the basis for such determinations); and

(B) an additional amount for Native American communities that received assistance under the Legal Services Corporation Act for fiscal year 1995, so that the proportion of the funds appropriated to the Legal Services Corporation for basic field programs for fiscal year 1996 that is received by the Native American communities shall be not less than the proportion of such funds appropriated for fiscal year 1995 that was received by the Native American communities.

(b) As used in this section:

(1) The term ''individual in poverty'' means an individual who is a member of a family (of 1 or more members) with an income at or below the poverty line.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 502. None of the funds appropriated in this Act to the Legal Services Corporation shall be used by the Corporation to make a grant, or enter into a contract, for the provision of legal assistance unless the Corporation ensures that the person or entity receiving funding to provide such legal assistance is—

(1) a private attorney admitted to practice in a State or the District of Columbia;

(2) a qualified nonprofit organization, chartered under the laws of a State or the District of Columbia, that—

(A) furnishes legal assistance to eligible clients; and

(B) is governed by a board of directors or other governing body, the majority of which is comprised of attorneys who—

(i) are admitted to practice in a State or the District of Columbia; and

(ii) are appointed to terms of office on such board or body by the governing body of a State, county, or municipal bar association, the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance;

(3) a State or local government (without regard to section 1006(a)(1)(A)(ii) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)(ii)); or

(4) a substate regional planning or coordination agency that serves a substate area and whose governing board is controlled by locally elected officials.

SEC. 503. (a)(1) Not later than April 1, 1996, the Legal Services Corporation shall implement a system of competitive awards of grants and contracts for all basic field programs, which shall apply to all such grants and contracts awarded by the Corporation after March 31, 1996, from funds appropriated in this Act.

(2) Any grant or contract awarded before April 1, 1996, by the Legal Services Corporation to a basic field program for 1996—

(A) shall not be for an amount greater than the amount required for the period ending March 31, 1996;

(B) shall terminate at the end of such period; and

(C) shall not be renewable except in accordance with the system implemented under paragraph (1).

(3) The amount of grants and contracts awarded before April 1, 1996, by the Legal Services Corporation for basic field programs for 1996 in any geographic area described in section 501 shall not exceed an amount equal to 3/12 of the total amount to be distributed for such programs for 1996 in such area.

(b) Not later than 60 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process for the recipients of such grants and contracts.

(c) Such regulations shall specify selection criteria for the recipients, which shall include—

(1) a demonstration of a full understanding of the basic legal needs of the eligible clients to be served and a demonstration of the capability of serving the needs;

(2) the quality, feasibility, and cost effectiveness of a plan submitted by an applicant for the delivery of legal assistance to the eligible clients to be served; and

(3) the experience of the Legal Services Corporation with the applicant, if the applicant has previously received financial assistance from the Corporation, including the record of the applicant of past compliance with Corporation policies, practices, and restrictions.

(d) Such regulations shall ensure that timely notice regarding an opportunity to submit an application for such an award is published in periodicals of local and State bar associations and in at least 1 daily newspaper of general circulation in the area to be served by the person or entity receiving the award.

(e) No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process.

(f) For the purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

SEC. 504. (a) None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity (which may be referred to in this section as a ''recipient'')—

(1) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

(2) that attempts to influence the issuance, amendment, or revocation of any executive order, regulation, or other statement of general applicability and future effect by any Federal, State, or local agency;

(3) that attempts to influence any part of any adjudicatory proceeding of any Federal, State, or local agency if such part of the proceeding is designed for the formulation or modification of any agency policy of general applicability and future effect;

(4) that attempts to influence the passage or defeat of any legislation, constitutional amendment, referendum, initiative, or any similar procedure of the Congress or a State or local legislative body;

(5) that attempts to influence the conduct of oversight proceedings of the Corporation or any person or entity receiving financial assistance provided by the Corporation;

(6) that pays for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, administrative expense, or related expense, associated with an activity prohibited in this section;

(7) that initiates or participates in a class action suit;

(8) that files a complaint or otherwise initiates or participates in litigation against a defendant, or engages in a precomplaint settlement negotiation with a prospective defendant, unless—

(A) each plaintiff has been specifically identified, by name, in any complaint filed for purposes of such litigation or prior to the precomplaint settlement negotiation; and

(B) a statement or statements of facts written in English and, if necessary, in a language that the plaintiffs understand, that enumerate the particular facts known to the plaintiffs on which the complaint is based, have been signed by the plaintiffs, are kept on file by the recipient, and are made available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation:

Provided, That upon establishment of reasonable cause that an injunction is necessary to prevent probable, serious harm to such potential plaintiff, a court of competent jurisdiction may enjoin the disclosure of the identity of any potential plaintiff pending the outcome of such litigation or negotiations after notice and an opportunity for a hearing is provided to potential parties to the litigation or the negotiations: Provided further, That other parties to the litigation or negotiation shall have access to the statement of facts referred to in subparagraph (B) only through the discovery process after litigation has begun;

(9) unless—

(A) prior to the provision of financial assistance—

(i) if the person or entity is a nonprofit organization, the governing board of the person or entity has set specific priorities in writing, pursuant to section 1007(a)(2)(C)(i) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)(C)(i)), of the types of matters and cases to which the staff of the nonprofit organization shall devote time and resources; and

(ii) the staff of such person or entity has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing board, except in emergency situations defined by such board and in accordance with the written procedures of such board for such situations; and

(B) the staff of such person or entity provides to the governing board on a quarterly basis, and to the Corporation on an annual basis, information on all cases or matters undertaken other than cases or matters undertaken in accordance with such priorities;

(10) unless—

(A) prior to receiving the financial assistance, such person or entity agrees to maintain records of time spent on each case or matter with respect to which the person or entity is engaged;

(B) any funds, including Interest on Lawyers Trust Account funds, received from a source other than the Corporation by the person or entity, and disbursements of such funds, are accounted for and reported as receipts and disbursements, respectively, separate and distinct from Corporation funds; and

(C) the person or entity agrees (notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)) to make the records described in this paragraph available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation;

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

(A) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(B) an alien who—

(i) is married to a United States citizen or is a parent or an unmarried child under the age of 21 years of such a citizen; and

(ii) has filed an application to adjust the status of the alien to the status of a lawful permanent resident under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), which application has not been rejected;

(C) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) (relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(D) an alien who is lawfully present in the United States as a result of withholding of deportation by the Attorney General pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

(E) an alien to whom section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note) applies, but only to the extent that the legal assistance provided is the legal assistance described in such section; or

(F) an alien who is lawfully present in the United States as a result of being granted conditional entry to the United States before April 1, 1980, pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)), as in effect on March 31, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity;

(12) that supports or conducts a training program for the purpose of advocating a particular public policy or encouraging a political activity, a labor or antilabor activity, a boycott, picketing, a strike, or a demonstration, including the dissemination of information about such a policy or activity, except that this paragraph shall not be construed to prohibit the provision of training to an attorney or a paralegal to prepare the attorney or paralegal to provide—

(A) adequate legal assistance to eligible clients; or

(B) advice to any eligible client as to the legal rights of the client;

(13) that claims (or whose employee claims), or collects and retains, attorneys' fees pursuant to any Federal or State law permitting or requiring the awarding of such fees;

(14) that participates in any litigation with respect to abortion;

(15) that participates in any litigation on behalf of a person incarcerated in a Federal, State, or local prison;

(16) that initiates legal representation or participates in any other way, in litigation, lobbying, or rulemaking, involving an effort to reform a Federal or State welfare system, except that this paragraph shall not be construed to preclude a recipient from representing an individual eligible client who is seeking specific relief from a welfare agency if such relief does not involve an effort to amend or otherwise challenge existing law in effect on the date of the initiation of the representation;

(17) that defends a person in a proceeding to evict the person from a public housing project if—

(A) the person has been charged with the illegal sale or distribution of a controlled substance; and

(B) the eviction proceeding is brought by a public housing agency because the illegal drug activity of the person threatens the health or safety of another tenant residing in the public housing project or employee of the public housing agency;

(18) unless such person or entity agrees that the person or entity, and the employees of the person or entity, will not accept employment resulting from in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action, and will not refer such nonattorney to another person or entity or an employee of the person or entity, that is receiving financial assistance provided by the Corporation; or

(19) unless such person or entity enters into a contractual agreement to be subject to all provisions of Federal law relating to the proper use of Federal funds, the violation of which shall render any grant or contractual agreement to provide funding null and void, and, for such purposes, the Corporation shall be considered to be a Federal agency and all funds provided by the Corporation shall be considered to be Federal funds provided by grant or contract.

(b) Nothing in this section shall be construed to prohibit a recipient from using funds from a source other than the Legal Services Corporation for the purpose of contacting, communicating with, or responding to a request from, a State or local government agency, a State or local legislative body or committee, or a member thereof, regarding funding for the recipient, including a pending or proposed legislative or agency proposal to fund such recipient.

(c) Not later than 30 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate a suggested list of priorities that boards of directors may use in setting priorities under subsection (a)(9).

(d)(1) The Legal Services Corporation shall not accept any non-Federal funds, and no recipient shall accept funds from any source other than the Corporation, unless the Corporation or the recipient, as the case may be, notifies in writing the source of the funds that the funds may not be expended for any purpose prohibited by the Legal Services Corporation Act or this title.

(2) Paragraph (1) shall not prevent a recipient from—

(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending the tribal funds in accordance with the specific purposes for which the tribal funds are provided; or

(B) using funds received from a source other than the Legal Services Corporation to provide legal assistance to a covered individual if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients for any purpose prohibited by this Act or by the Legal Services Corporation Act.

(e) Nothing in this section shall be construed to prohibit a recipient from using funds derived from a source other than the Legal Services Corporation to comment on public rulemaking or to respond to a written request for information or testimony from a Federal, State or local agency, legislative body or committee, or a member of such an agency, body, or committee, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made.

(f) As used in this section:

(1) The term ''controlled substance'' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) The term ''covered individual'' means any person who—

(A) except as provided in subparagraph (B), meets the requirements of this Act and the Legal Services Corporation Act relating to eligibility for legal assistance; and

(B) may or may not be financially unable to afford legal assistance.

(3) The term ''public housing project'' has the meaning as used within, and the term ''public housing agency'' has the meaning given the term, in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

SEC. 505. None of the funds appropriated in this Act to the Legal Services Corporation or provided by the Corporation to any entity or person may be used to pay membership dues to any private or nonprofit organization.

SEC. 506. None of the funds appropriated in this Act to the Legal Services Corporation may be used by any person or entity receiving financial assistance from the Corporation to file or pursue a lawsuit against the Corporation.

SEC. 507. None of the funds appropriated in this Act to the Legal Services Corporation may be used for any purpose prohibited or contrary to any of the provisions of authorization legislation for fiscal year 1996 for the Legal Services Corporation that is enacted into law. Upon the enactment of such Legal Services Corporation reauthorization legislation, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

SEC. 508. (a) The requirements of section 504 shall apply to the activities of a recipient described in section 504, or an employee of such a recipient, during the provision of legal assistance for a case or matter, if the recipient or employee begins to provide the legal assistance on or after the date of enactment of this Act.

(b) If the recipient or employee began to provide legal assistance for the case or matter prior to the date of enactment of this Act—

(1) each of the requirements of section 504 (other than paragraphs (7), (11), (13), and (15) of subsection (a) of such section) shall, beginning on the date of enactment of this Act, apply to the activities of the recipient or employee during the provision of legal assistance for the case or matter;

(2) the requirements of paragraphs (7), (11), and (15) of section 504(a) shall apply—

(A) beginning on the date of enactment of this Act, to the activities of the recipient or employee during the provision of legal assistance for any additional related claim for which the recipient or employee begins to provide legal assistance on or after such date; and

(B) beginning August 1, 1996, to all other activities of the recipient or employee during the provision of legal assistance for the case or matter; and

(3) the requirements of paragraph (13) of section 504(a)—

(A) shall apply beginning on the date of enactment of this Act to the activities of the recipient or employee during the provision of legal assistance for any additional related claim for which the recipient or employee begins to provide legal assistance on or after such date; and

(B) shall not apply to all other activities of the recipient or employee during the provision of legal assistance for the case or matter.

(c) The Legal Services Corporation shall, every 60 days, submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the status of cases and matters referred to in subsection (b)(2).

SEC. 509. (a) An audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act (referred to in this section as a ''recipient'') shall be conducted in accordance with generally accepted government auditing standards and guidance established by the Office of the Inspector General and shall report whether—

(1) the financial statements of the recipient present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles;

(2) the recipient has internal control systems to provide reasonable assurance that it is managing funds, regardless of source, in compliance with Federal laws and regulations; and

(3) the recipient has complied with Federal laws and regulations applicable to funds received, regardless of source.

(b) In carrying out the requirements of subsection (a)(3), the auditor shall select and test a representative number of transactions and report all instances of noncompliance to the recipient. The recipient shall report in writing any noncompliance found by the auditor during the

audit under this section within 5 business days to the Office of the Inspector General and shall provide a copy of the report simultaneously to the auditor. If the recipient fails to report the noncompliance, the auditor shall report the noncompliance directly to the Office of the Inspector General within 5 business days of the recipient's failure to report. The auditor shall not be liable in a private action for any finding, conclusion, or statement expressed in a report made pursuant to this section.

(c) The audits required under this section shall be provided for by the recipients and performed by independent public accountants. The cost of such audits shall be shared on a pro rata basis among all of the recipient's funding providers and the appropriate share shall be an allowable charge to the Federal funds provided by the Legal Services Corporation. No audit costs may be charged to the Federal funds when the audit required by this section has not been made in accordance with the guidance promulgated by the Office of the Inspector General.

If the recipient fails to have an acceptable audit in accordance with the guidance promulgated by the Office of the Inspector General, the following sanctions shall be available to the Corporation as recommended by the Office of the Inspector General:

(1) the withholding of a percentage of the recipient's funding until the audit is completed satisfactorily.

(2) the suspension of recipient's funding until an acceptable audit is completed.

(d) The Office of the Inspector General may remove, suspend, or bar an independent public accountant, upon a showing of good cause, from performing audit services required by this section. Any such action to remove, suspend, or bar an auditor shall be only after notice to the auditor and an opportunity for hearing. The Office of the Inspector General shall develop and issue rules of practice to implement this paragraph.

(e) Any independent public accountant performing an audit under this section who subsequently ceases to be the accountant for the recipient shall promptly notify the Office of the Inspector General pursuant to such rules as the Office of the Inspector General shall prescribe.

(f) Audits conducted in accordance with this section shall be in lieu of the financial audits otherwise required by section 1009(c) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)).

(g) The Office of the Inspector General is authorized to conduct on-site monitoring, audits, and inspections in accordance with Federal standards.

(h) Notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)), financial records, time records, retainer agreements, client trust fund and eligibility records, and client names, for each recipient shall be made available to any auditor or monitor of the recipient, including any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation, except for reports or records subject to the attorney-client privilege.

(i) The Legal Services Corporation shall not disclose any name or document referred to in subsection (h), except to—

(1) a Federal, State, or local law enforcement official; or

(2) an official of an appropriate bar association for the purpose of enabling the official to conduct an investigation of a rule of professional conduct.

(j) The recipient management shall be responsible for expeditiously resolving all reported audit reportable conditions, findings, and recommendations, including those of sub-recipients.

(k) The Legal Services Corporation shall—

(1) Follow up on significant reportable conditions, findings, and recommendations found by the independent public accountants and reported to Corporation management by the Office of the Inspector General to ensure that instances of deficiencies and noncompliance are resolved in a timely manner, and

(2) Develop procedures to ensure effective follow-up that meet at a minimum the requirements of Office of Management and Budget Circular Number A–50.

(l) The requirements of this section shall apply to a recipient for its first fiscal year beginning on or after January 1, 1996.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,190,000.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98–399, as amended, $350,000: Provided, That this shall be the final Federal payment to the Martin Luther King, Jr. Federal Holiday Commission for operations and necessary closing costs.

OUNCE OF PREVENTION COUNCIL

For activities authorized by sections 30101 and 30102 of Public Law 103–322 (including administrative costs), $1,500,000, to remain available until expended, for the Ounce of Prevention Grant Program: Provided, That the Council may accept and use gifts and donations, both real and personal, for the purpose of aiding or facilitating the authorized activities of the Council, of which not to exceed $5,000 may be used for official reception and representation expenses.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $287,738,000, of which $3,000,000 is for the Office of Economic Analysis, to be headed by the Chief Economist of the Commission, and of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel and transportation to or from such meetings, and (iii) any other related lodging or subsistence: Provided, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of one percentum to one-twenty-ninth of one percentum, and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process: Provided further, That the total amount appropriated for fiscal year 1996 under this heading shall be reduced as such fees are deposited to this appropriation so as to result in a final total fiscal year 1996 appropriation from the General Fund estimated at not more than $103,445,000: Provided further, That any such fees collected in excess of $184,293,000 shall remain available until expended but shall not be available for obligation until October 1, 1996: Provided further, That $1,000,000 of the funds appropriated for the Commission shall be available for the enforcement of the Investment Advisers Act of 1940 in addition to any other appropriated funds designated by the Commission for enforcement of such Act.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $219,190,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $8,500,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $4,500,000, and for the cost of guaranteed loans, $156,226,000, as authorized by 15 U.S.C. 631 note, of which $1,216,000, to be available until expended, shall be for the Microloan Guarantee Program, and of which $40,510,000 shall remain available until September 30, 1997: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 1996, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $92,622,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $34,432,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $71,578,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the ''Surety Bond Guarantees Revolving Fund'', authorized by the Small Business Investment Act, as amended, $2,530,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 510. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and

shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $5,000,000 to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605 (a) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days, based upon all information available to the United States Government that the Government of the Socialist Republic of Vietnam is cooperating in full faith with the United States in the following four areas:

(1) Resolving discrepancy cases, live sightings and field activities,

(2) Recovering and repatriating American remains,

(3) Accelerating efforts to provide documents that will help lead to fullest possible accounting of POW/MLA's.

(4) Providing further assistance in implementing trilateral investigations with Laos.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates, or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading ''Fleet Modernization, Shipbuilding and Conversion'' may be used to implement sections 603, 604, and 605 of Public Law 102–567.

SEC. 613. None of the funds made available in this Act may be used for ''USIA Television Marti Program'' under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions of the March 1995 Office of Cuba Broadcasting Reinventing Plan of the United States Information Agency.

SEC. 614. (a)(1) Section 5002 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 401 of title 18, United States Code, is amended by striking out the item relating to the Advisory Corrections Council.

(b) This section shall take effect 30 days after the date of the enactment of this Act.

SEC. 615. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 616. Notwithstanding section 106 of Public Law 104–91, the general provisions for the Department of Justice that were included in the conference report to accompany H.R. 2076 and were identified in the amendment to Public Law 104–91 made by section 211 of Public Law 104–99 shall continue to remain in effect as enacted into law.

SEC. 617. Upon enactment of this Act, the provisions of section 201(a) of Public Law 104–99 are superseded.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $65,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the unobligated balances available under this heading, $64,500,000 are rescinded.

RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

RADIO CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $7,400,000 are rescinded.

TITLE VIII—PRISON LITIGATION REFORM

SEC. 801. SHORT TITLE.

This title may be cited as the ''Prison Litigation Reform Act of 1995''.

SEC. 802. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.

(a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended to read as follows:

''§ 3626. Appropriate remedies with respect to prison conditions

''(a) REQUIREMENTS FOR RELIEF.—

''(1) PROSPECTIVE RELIEF.—(A) Prospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal

right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

''(B) The court shall not order any prospective relief that requires or permits a government official to exceed his or her authority under State or local law or otherwise violates State or local law, unless—

''(i) Federal law permits such relief to be ordered in violation of State or local law;

''(ii) the relief is necessary to correct the violation of a Federal right; and

''(iii) no other relief will correct the violation of the Federal right.

''(C) Nothing in this section shall be construed to authorize the courts, in exercising their remedial powers, to order the construction of prisons or the raising of taxes, or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.

''(2) PRELIMINARY INJUNCTIVE RELIEF.—In any civil action with respect to prison conditions, to the extent otherwise authorized by law, the court may enter a temporary restraining order or an order for preliminary injunctive relief. Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the preliminary relief and shall respect the principles of comity set out in paragraph (1)(B) in tailoring any preliminary relief. Preliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the findings required under subsection (a)(1) for the entry of prospective relief and makes the order final before the expiration of the 90-day period.

''(3) PRISONER RELEASE ORDER.—(A) In any civil action with respect to prison conditions, no prisoner release order shall be entered unless—

''(i) a court has previously entered an order for less intrusive relief that has failed to remedy the deprivation of the Federal right sought to be remedied through the prisoner release order; and

''(ii) the defendant has had a reasonable amount of time to comply with the previous court orders.

''(B) In any civil action in Federal court with respect to prison conditions, a prisoner release order shall be entered only by a three-judge court in accordance with section 2284 of title 28, if the requirements of subparagraph (E) have been met.

''(C) A party seeking a prisoner release order in Federal court shall file with any request for such relief, a request for a three-judge court and materials sufficient to demonstrate that the requirements of subparagraph (A) have been met.

''(D) If the requirements under subparagraph (A) have been met, a Federal judge before whom a civil action with respect to prison conditions is pending who believes that a prison release order should be considered may sua sponte request the convening of a three-judge court to determine whether a prisoner release order should be entered.

''(E) The three-judge court shall enter a prisoner release order only if the court finds by clear and convincing evidence that—

''(i) crowding is the primary cause of the violation of a Federal right; and

''(ii) no other relief will remedy the violation of the Federal right.

''(F) Any State or local official or unit of government whose jurisdiction or function includes the appropriation of funds for the construction, operation, or maintenance of program facilities, or the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order shall have standing to oppose the imposition or continuation in effect of such relief and to seek termination of such relief, and shall have the right to intervene in any proceeding relating to such relief.

''(b) TERMINATION OF RELIEF.—

''(1) TERMINATION OF PROSPECTIVE RELIEF.—(A) In any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party or intervener—

''(i) 2 years after the date the court granted or approved the prospective relief;

''(ii) 1 year after the date the court has entered an order denying termination of prospective relief under this paragraph; or

''(iii) in the case of an order issued on or before the date of enactment of the Prison Litigation Reform Act, 2 years after such date of enactment.

''(B) Nothing in this section shall prevent the parties from agreeing to terminate or modify relief before the relief is terminated under subparagraph (A).

''(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In any civil action with respect to prison conditions, a defendant or intervener shall be entitled to the immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.

''(3) LIMITATION.—Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct a current or ongoing violation of the Federal right, extends no further than necessary to correct the violation of the Federal right, and that the prospective relief is narrowly drawn and the least intrusive means to correct the violation.

''(4) TERMINATION OR MODIFICATION OF RELIEF.—Nothing in this section shall prevent any party or intervener from seeking modification or termination before the relief is terminable under paragraph (1) or (2), to the extent that modification or termination would otherwise be legally permissible.

''(c) SETTLEMENTS.—

''(1) CONSENT DECREES.—In any civil action with respect to prison conditions, the court shall not enter or approve a consent decree unless it complies with the limitations on relief set forth in subsection (a).

''(2) PRIVATE SETTLEMENT AGREEMENTS.—(A) Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the limitations on relief set forth in subsection (a), if the terms of that agreement are not subject to court enforcement other than the reinstatement of the civil proceeding that the agreement settled.

''(B) Nothing in this section shall preclude any party claiming that a private settlement agreement has been breached from seeking in State court any remedy available under State law.

''(d) STATE LAW REMEDIES.—The limitations on remedies in this section shall not apply to relief entered by a State court based solely upon claims arising under State law.

''(e) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE RELIEF.—

''(1) GENERALLY.—The court shall promptly rule on any motion to modify or terminate prospective relief in a civil action with respect to prison conditions.

''(2) AUTOMATIC STAY.—Any prospective relief subject to a pending motion shall be automatically stayed during the period—

''(A)(i) beginning on the 30th day after such motion is filed, in the case of a motion made under paragraph (1) or (2) of subsection (b); or

''(ii) beginning on the 180th day after such motion is filed, in the case of a motion made under any other law; and

''(B) ending on the date the court enters a final order ruling on the motion.

''(f) SPECIAL MASTERS.—

''(1) IN GENERAL.—(A) In any civil action in a Federal court with respect to prison conditions, the court may appoint a special master who shall be disinterested and objective and who will give due regard to the public safety, to conduct hearings on the record and prepare proposed findings of fact.

''(B) The court shall appoint a special master under this subsection during the remedial phase of the action only upon a finding that the remedial phase will be sufficiently complex to warrant the appointment.

''(2) APPOINTMENT.—(A) If the court determines that the appointment of a special master is necessary, the court shall request that the defendant institution and the plaintiff each submit a list of not more than 5 persons to serve as a special master.

''(B) Each party shall have the opportunity to remove up to 3 persons from the opposing party's list.

''(C) The court shall select the master from the persons remaining on the list after the operation of subparagraph (B).

''(3) INTERLOCUTORY APPEAL.—Any party shall have the right to an interlocutory appeal of the judge's selection of the special master under this subsection, on the ground of partiality.

''(4) COMPENSATION.—The compensation to be allowed to a special master under this section shall be based on an hourly rate not greater than the hourly rate established under section 3006A for payment of court-appointed counsel, plus costs reasonably incurred by the special master. Such compensation and costs shall be paid with funds appropriated to the Judiciary.

''(5) REGULAR REVIEW OF APPOINTMENT.—In any civil action with respect to prison conditions in which a special master is appointed under this subsection, the court shall review the appointment of the special master every 6 months to determine whether the services of the special master continue to be required under paragraph (1). In no event shall the appointment of a special master extend beyond the termination of the relief.

''(6) LIMITATIONS ON POWERS AND DUTIES.—A special master appointed under this subsection—

''(A) may be authorized by a court to conduct hearings and prepare proposed findings of fact, which shall be made on the record;

''(B) shall not make any findings or communications ex parte;

''(C) may be authorized by a court to assist in the development of remedial plans; and

''(D) may be removed at any time, but shall be relieved of the appointment upon the termination of relief.

''(g) DEFINITIONS.—As used in this section—

''(1) the term 'consent decree' means any relief entered by the court that is based in whole or in part upon the consent or acquiescence of the parties but does not include private settlements;

''(2) the term 'civil action with respect to prison conditions' means any civil proceeding arising under Federal law with respect to the conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison, but does not include habeas corpus proceedings challenging the fact or duration of confinement in prison;

''(3) the term 'prisoner' means any person subject to incarceration, detention, or admission to any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program;

''(4) the term 'prisoner release order' includes any order, including a temporary restraining order or preliminary injunctive relief, that has the purpose or effect of reducing or limiting the prison population, or that directs the release from or nonadmission of prisoners to a prison;

''(5) the term 'prison' means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

''(6) the term 'private settlement agreement' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil proceeding that the agreement settled;

''(7) the term 'prospective relief' means all relief other than compensatory monetary damages;

''(8) the term 'special master' means any person appointed by a Federal court pursuant to Rule 53 of the Federal Rules of Civil Procedure or pursuant to any inherent power of the court to exercise the powers of a master, regardless of the title or description given by the court; and

''(9) the term 'relief' means all relief in any form that may be granted or approved by the court, and includes consent decrees but does not include private settlement agreements.''.

(b) APPLICATION OF AMENDMENT.—

(1) IN GENERAL.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all prospective relief whether such relief was originally granted or approved before, on, or after the date of the enactment of this title.

(2) TECHNICAL AMENDMENT.—Subsections (b) and (d) of section 20409 of the Violent Crime Control and Law Enforcement Act of 1994 are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended to read as follows:

''3626. Appropriate remedies with respect to prison conditions.''.

SEC. 803. AMENDMENTS TO CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) INITIATION OF CIVIL ACTIONS.—Section 3(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997a(c)) (referred to in this section as the ''Act'') is amended to read as follows:

''(c) The Attorney General shall personally sign any complaint filed pursuant to this section.''.

(b) CERTIFICATION REQUIREMENTS.—Section 4 of the Act (42 U.S.C. 1997b) is amended—

(1) in subsection (a)—

(A) by striking ''he'' each place it appears and inserting ''the Attorney General''; and

(B) by striking ''his'' and inserting ''the Attorney General's''; and

(2) by amending subsection (b) to read as follows:

''(b) The Attorney General shall personally sign any certification made pursuant to this section.''.

(c) INTERVENTION IN ACTIONS.—Section 5 of the Act (42 U.S.C. 1997c) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''he'' each place it appears and inserting ''the Attorney General''; and

(B) by amending paragraph (2) to read as follows:

''(2) The Attorney General shall personally sign any certification made pursuant to this section.''; and

(2) by amending subsection (c) to read as follows:

''(c) The Attorney General shall personally sign any motion to intervene made pursuant to this section.''.

(d) SUITS BY PRISONERS.—Section 7 of the Act (42 U.S.C. 1997e) is amended to read as follows:

''SEC. 7. SUITS BY PRISONERS.

''(a) APPLICABILITY OF ADMINISTRATIVE REMEDIES.—No action shall be brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

''(b) FAILURE OF STATE TO ADOPT OR ADHERE TO ADMINISTRATIVE GRIEVANCE PROCEDURE.—The failure of a State to adopt or adhere to an administrative grievance procedure shall not constitute the basis for an action under section 3 or 5 of this Act.

''(c) DISMISSAL.—(1) The court shall on its own motion or on the motion of a party dismiss any action brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.

''(2) In the event that a claim is, on its face, frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief, the court may dismiss the underlying claim without first requiring the exhaustion of administrative remedies.

''(d) ATTORNEY'S FEES.—(1) In any action brought by a prisoner who is confined to any jail, prison, or other correctional facility, in which attorney's fees are authorized under section 2 of the Revised Statutes of the United States (42 U.S.C. 1988), such fees shall not be awarded, except to the extent that—

''(A) the fee was directly and reasonably incurred in proving an actual violation of the plaintiff's rights protected by a statute pursuant to which a fee may be awarded under section 2 of the Revised Statutes; and

''(B)(i) the amount of the fee is proportionately related to the court ordered relief for the violation; or

''(ii) the fee was directly and reasonably incurred in enforcing the relief ordered for the violation.

''(2) Whenever a monetary judgment is awarded in an action described in paragraph (1), a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney's fees awarded against the defendant. If the award of attorney's fees is not greater than 150 percent of the judgment, the excess shall be paid by the defendant.

''(3) No award of attorney's fees in an action described in paragraph (1) shall be based on an hourly rate greater than 150 percent of the hourly rate established under section 3006A of title 18, United States Code, for payment of court-appointed counsel.

''(4) Nothing in this subsection shall prohibit a prisoner from entering into an agreement to pay an attorney's fee in an amount greater than the amount authorized under this subsection, if the fee is paid by the individual rather than by the defendant pursuant to section 2 of the Revised Statutes of the United States (42 U.S.C. 1988).

''(e) LIMITATION ON RECOVERY.—No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.

''(f) HEARINGS.—(1) To the extent practicable, in any action brought with respect to prison conditions in Federal court pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility, pretrial proceedings in which the prisoner's participation is required or permitted shall be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which the prisoner is confined.

''(2) Subject to the agreement of the official of the Federal, State, or local unit of government with custody over the prisoner, hearings may be conducted at the facility in which the prisoner is confined. To the extent practicable, the court shall allow counsel to participate by telephone, video conference, or other communications technology in any hearing held at the facility.

''(g) WAIVER OF REPLY.—(1) Any defendant may waive the right to reply to any action brought by a prisoner confined in any jail, prison, or other correctional facility under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) or any other Federal law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply has been filed.

''(2) The court may require any defendant to reply to a complaint brought under this section if it finds that the plaintiff has a reasonable opportunity to prevail on the merits.

''(h) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.''.

(e) REPORT TO CONGRESS.—Section 8 of the Act (42 U.S.C. 1997f) is amended by striking ''his report'' and inserting ''the report''.

(f) NOTICE TO FEDERAL DEPARTMENTS.—Section 10 of the Act (42 U.S.C. 1997h) is amended—

(1) by striking ''his action'' and inserting ''the action''; and

(2) by striking ''he is satisfied'' and inserting ''the Attorney General is satisfied''.

SEC. 804. PROCEEDINGS IN FORMA PAUPERIS.

(a) FILING FEES.—Section 1915 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''(a) Any'' and inserting ''(a)(1) Subject to subsection (b), any'';

(B) by striking ''and costs'';

(C) by striking ''makes affidavit'' and inserting ''submits an affidavit that includes a statement of all assets such prisoner possesses'';

(D) by striking ''such costs'' and inserting ''such fees'';

(E) by striking ''he'' each place it appears and inserting ''the person'';

(F) by adding immediately after paragraph

(1), the following new paragraph:

''(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.''; and

(G) by striking ''An appeal'' and inserting ''(3) An appeal'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection:

''(b)(1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

''(A) the average monthly deposits to the prisoner's account; or

''(B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

''(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds $10 until the filing fees are paid.

''(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.

''(4) In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.'';

(4) in subsection (c), as redesignated by paragraph (2), by striking ''subsection (a) of this section'' and inserting ''subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b)''; and

(5) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

''(e)(1) The court may request an attorney to represent any person unable to afford counsel.

''(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

''(A) the allegation of poverty is untrue; or

''(B) the action or appeal—

''(i) is frivolous or malicious;

''(ii) fails to state a claim on which relief may be granted; or

''(iii) seeks monetary relief against a defendant who is immune from such relief.''.

(b) EXCEPTION TO DISCHARGE OF DEBT IN BANKRUPTCY PROCEEDING.—Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (16), by striking the period at the end and inserting ''; or''; and

(2) by adding at the end the following new paragraph:

''(17) for a fee imposed by a court for the filing of a case, motion, complaint, or appeal, or for other costs and expenses assessed with respect to such filing, regardless of an assertion of poverty by the debtor under section 1915 (b) or (f) of title 28, or the debtor's status as a prisoner, as defined in section 1915(h) of title 28.''.

(c) COSTS.—Section 1915(f) of title 28, United States Code (as redesignated by subsection (a)(2)), is amended—

(1) by striking ''(f) Judgment'' and inserting ''(f)(1) Judgment'';

(2) by striking ''cases'' and inserting ''proceedings''; and

(3) by adding at the end the following new paragraph:

''(2)(A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

''(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

''(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.''.

(d) SUCCESSIVE CLAIMS.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.''.

(e) DEFINITION.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(h) As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.''.

SEC. 805. JUDICIAL SCREENING.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by inserting after section 1915 the following new section:

''§ 1915A. Screening

''(a) SCREENING.—The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

''(b) GROUNDS FOR DISMISSAL.—On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint—

''(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or

''(2) seeks monetary relief from a defendant who is immune from such relief.

''(c) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1915 the following new item:

''1915A. Screening.''.

SEC. 806. FEDERAL TORT CLAIMS.

Section 1346(b) of title 28, United States Code, is amended—

(1) by striking ''(b)'' and inserting ''(b)(1)''; and

(2) by adding at the end the following:

''(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered while in custody without a prior showing of physical injury.''.

SEC. 807. PAYMENT OF DAMAGE AWARD IN SATISFACTION OF PENDING RESTITUTION ORDERS.

Any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, shall be paid directly to satisfy any outstanding restitution orders pending against the prisoner. The remainder of any such award after full payment of all pending restitution orders shall be forwarded to the prisoner.

SEC. 808. NOTICE TO CRIME VICTIMS OF PENDING DAMAGE AWARD.

Prior to payment of any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, reasonable efforts shall be made to notify the victims of the crime for which the prisoner was convicted and incarcerated concerning the pending payment of any such compensatory damages.

SEC. 809. EARNED RELEASE CREDIT OR GOOD TIME CREDIT REVOCATION.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 1932. Revocation of earned release credit

''In any civil action brought by an adult convicted of a crime and confined in a Federal correctional facility, the court may order the revocation of such earned good time credit under section 3624(b) of title 18, United States Code, that has not yet vested, if, on its own motion or the motion of any party, the court finds that—

''(1) the claim was filed for a malicious purpose;

''(2) the claim was filed solely to harass the party against which it was filed; or

''(3) the claimant testifies falsely or otherwise knowingly presents false evidence or information to the court.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1931 the following:

''1932. Revocation of earned release credit.''.

(c) AMENDMENT OF SECTION 3624 OF TITLE 18.—Section 3624(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the first sentence;

(B) in the second sentence—

(i) by striking ''A prisoner'' and inserting ''Subject to paragraph (2), a prisoner'';

(ii) by striking ''for a crime of violence,''; and

(iii) by striking ''such'';

(C) in the third sentence, by striking ''If the Bureau'' and inserting ''Subject to paragraph (2), if the Bureau'';

(D) by striking the fourth sentence and inserting the following: ''In awarding credit under this section, the Bureau shall consider whether the prisoner, during the relevant period, has earned, or is making satisfactory progress toward earning, a high school diploma or an equivalent degree.''; and

(E) in the sixth sentence, by striking ''Credit for the last'' and inserting ''Subject to paragraph (2), credit for the last''; and

(2) by amending paragraph (2) to read as follows:

''(2) Notwithstanding any other law, credit awarded under this subsection after the date of enactment of the Prison Litigation Reform Act shall vest on the date the prisoner is released from custody.''.

SEC. 810. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996.''.

(b) For programs, projects or activities in the District of Columbia Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART AGAINST THE REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996, AND FOR OTHER PURPOSES.

TITLE I—FISCAL YEAR 1996 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1996, $660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96–122), $52,070,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $149,130,000 and 1,498 full-time equivalent positions (end of year) (including $117,464,000 and 1,158 full-time equivalent positions from local funds, $2,464,000 and 5 full-time equivalent positions from Federal funds, $4,474,000 and 71 full-time equivalent positions from other funds, and $24,728,000 and 264 full-time equivalent positions from intra-District funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That $29,500,000 is for pay-as-you-go capital projects of which $1,500,000 shall be for a capital needs assessment study, and $28,000,000 shall be for a new financial management system, if so determined following the evaluation and review process subsequently described in this paragraph, of which $2,000,000 shall be used to develop a needs analysis and assessment of the existing financial management environment, and the remaining $26,000,000 shall be used to procure the necessary hardware and installation of new software, conversion, testing and training: Provided further, That the $26,000,000 shall not be obligated or expended until: (1) the District of Columbia Financial Responsibility and Management Assistance Authority submits a report to the Committees on Appropriations of the House and the Senate, the Committee on Governmental Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate reporting the results of a needs analysis and assessment of the existing financial management environment, specifying the deficiencies in, and recommending necessary improvements to or replacement of the District's financial management system including a detailed explanation of each recommendation and its estimated cost; and (2) 30 days lapse after receipt of the report by Congress: Provided further, That the District of Columbia government shall enter into negotiations with Gallaudet University to transfer, at a fair market value rate, Hamilton School from the District of Columbia to Gallaudet University with the proceeds, if such a sale takes place, deposited into the general fund of the District and used to improve public school facilities in the same ward as the Hamilton School.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $140,983,000 and 1,692 full-time equivalent positions (end-of-year) (including $68,203,000 and 698 full-time equivalent positions from local funds, $38,792,000 and 509 full-time equivalent positions from Federal funds, $17,658,000 and 258 full-time equivalent positions from other funds, and $16,330,000 and 227 full-time equivalent positions from intra-District funds): Provided, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: Provided further, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: Provided further, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $963,848,000 and 11,544 full-time equivalent positions (end-of-year) (including $940,631,000 and 11,365 full-time equivalent positions from local funds, $8,942,000 and 70 full-time equivalent positions from Federal funds, $5,160,000 and 4 full-time equivalent positions from other funds, and $9,115,000 and 105 full-time equivalent positions from intra-District funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That $250,000 is used for the Georgetown Summer Detail; $200,000 is used for East of the River Detail; $100,000 is used for Adams Morgan Detail; and $100,000 is used for the Capitol Hill Summer Detail: Provided further, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: Provided further, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: Provided further, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: Provided further, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: Provided further, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: Provided further, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $795,201,000 and 11,670 full-time equivalent positions (end-of-year) (including $676,251,000 and 9,996 full-time equivalent positions from local funds, $87,385,000 and 1,227 full-time equivalent positions from Federal funds, $21,719,000 and 234 full-time equivalent positions from other funds, and $9,846,000 and 213 full-time equivalent positions from intra-District funds), to be allocated as follows: $580,996,000 and 10,167 full-time equivalent positions (including $498,310,000 and 9,014 full-time equivalent positions from local funds, $75,786,000 and 1,058 full-time equivalent positions from Federal funds, $4,343,000 and 44 full-time equivalent positions from other funds, and $2,557,000 and 51 full-time equivalent positions from intra-District funds), for the public schools of the District of Columbia; $111,800,000 (including $111,000,000 from local funds and $800,000 from intra-District funds) shall be allocated for the District of Columbia Teachers' Retirement Fund; $79,396,000 and 1,079 full-time equivalent positions (including $45,377,000 and 572 full-time equivalent positions from local funds, $10,611,000 and 156 full-time equivalent positions from Federal funds, $16,922,000 and 189 full-time equivalent positions from other funds, and $6,486,000 and 162 full-time

equivalent positions from intra-District funds) for the University of the District of Columbia; $20,742,000 and 415 full-time equivalent positions (including $19,839,000 and 408 full-time equivalent positions from local funds, $446,000 and 6 full-time equivalent positions from Federal funds, $454,000 and 1 full-time equivalent position from other funds, and $3,000 from intra-District funds) for the Public Library; $2,267,000 and 9 full-time equivalent positions (including $1,725,000 and 2 full-time equivalent positions from local funds and $542,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities: Provided, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,855,014,000 and 6,469 full-time equivalent positions (end-of-year) (including $1,076,856,000 and 3,650 full-time equivalent positions from local funds, $726,685,000 and 2,639 full-time equivalent positions from Federal funds, $46,799,000 and 66 full-time equivalent positions from other funds, and $4,674,000 and 114 full-time equivalent positions from intra-District funds): Provided, That $26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $297,568,000 and 1,914 full-time equivalent positions (end-of-year) (including $225,915,000 and 1,158 full-time equivalent positions from local funds, $2,682,000 and 32 full-time equivalent positions from Federal funds, $18,342,000 and 68 full-time equivalent positions from other funds, and $50,629,000 and 656 full-time equivalent positions from intra-District funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND TRANSFER PAYMENT

For payment to the Washington Convention Center Enterprise Fund, $5,400,000 from local funds.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $327,787,000 from local funds.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $9,698,000 from local funds.

PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

The Mayor shall reduce appropriations and expenditures for personal services in the amount of $46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized from employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements: Provided, That, if a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements: Provided further, That the Congress hereby ratifies and approves legislation enacted by the Council of the District of Columbia during fiscal year 1995 to reduce the compensation and benefits of all employees of the District of Columbia government during that fiscal year: Provided further, That notwithstanding any other provision of law, the legislation enacted by the Council of the District of Columbia during fiscal year 1995 to reduce the compensation and benefits of all employees of the District of Columbia government during that fiscal year shall be deemed to have been ratified and approved by the Congress during fiscal year 1995.

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–363), $4,563,000 from local funds: Provided, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1996 or not later than 15 days after the last amount remaining in the fund is disbursed.

INCENTIVE BUYOUT PROGRAM

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, $19,000,000.

OUTPLACEMENT SERVICES

For the purpose of funding outplacement services for employees who leave the District of Columbia government involuntarily, $1,500,000.

BOARDS AND COMMISSIONS

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this title in the amount of $500,000: Provided, That this provision shall not apply to any board or commission established under title II of this Act.

GOVERNMENT RE-ENGINEERING PROGRAM

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $16,000,000 within one or several of the various appropriation headings in this Title.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $168,222,000 (including $82,850,000 from local funds and $85,372,000 from Federal funds), as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That $105,660,000 from local funds appropriated under this heading in prior fiscal years is rescinded: Provided further, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1997, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1997: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $242,253,000 and 1,024 full-time equivalent positions (end-of-year) (including $237,076,000 and 924 full-time equivalent positions from local funds, $433,000 from other funds, and $4,744,000 and 100 full-time equivalent positions from intra-District funds), of which $41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $39,477,000 from Federal funds, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $229,950,000 and 88 full-time equivalent positions (end-of-year) (including $7,950,000 and 88 full-time equivalent positions for administrative expenses and $222,000,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,351,000 and 8 full-time equivalent positions (end-of-year) (including $2,019,000 and 8 full-time equivalent positions from local funds and $332,000 from other funds), of which $572,000 shall be transferred to the general fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, $6,580,000 from other funds for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $115,034,000, of which $56,735,000 shall be derived by transfer as intra-District funds from the general fund, $52,684,000 is to be derived from the other funds, and $5,615,000 is to be derived from intra-District funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1–711), $13,440,000 and 11 full-time equivalent positions (end-of-year) from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $10,516,000 and 66 full-time equivalent positions (end-of-year) (including $3,415,000 and 22 full-time equivalent positions from other funds and $7,101,000 and 44 full-time equivalent positions from intra-District funds).

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $37,957,000, of which $5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,500,000.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

Notwithstanding any other provision of law, the Chief Financial Officer established under section 302 of Public Law 104–8, approved April 17, 1995 (109 Stat. 142) shall, on behalf of the Mayor, adjust appropriations and expenditures for personal and nonpersonal services, together with the related full-time equivalent positions, in accordance with the direction of the District of Columbia Financial Responsibility and Management Assistance Authority such that there is a net reduction of $150,907,000, within or among one or several of the various appropriation headings in this Title, pursuant to section 208 of Public Law 104–8, approved April 17, 1995 (109 Stat. 134).

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445, 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996 or as provided for under the provisions of Public Law 104–8, approved April 17, 1995.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the Subcommittee on Oversight of Government Management, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: Provided, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after

the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): Provided, That for the fiscal year ending September 30, 1996 the above shall apply except as modified by Public Law 104–8.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal Funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 125. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 126. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037: Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 127. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 128. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4–42; D.C. Code, sec. 1–299.1 to 1–299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

SEC. 129. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 130. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

SEC. 131. None of the funds appropriated under 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.

PROHIBITION ON DOMESTIC PARTNERS ACT

SEC. 132. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or 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 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.

COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION

SEC. 133. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93–198; D.C. Code, secs. 11–1524 and title 11, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code, sec. 11–1524) is amended to read as follows:

''(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.''.

(b) Section 433(b)(5) (title 11, App. 433) is amended to read as follows:

''(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.''.

MULTIYEAR CONTRACTS

SEC. 134. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93–198; D.C. Code, sec. 1–1130), is amended by adding a new subsection (c) to read as follows:

''(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

''(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

''(A) appropriations originally available for the performance of the contract concerned;

''(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

''(C) funds appropriated for those payments.

''(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.''.

CALCULATED REAL PROPERTY TAX RATE RESCISSION AND REAL PROPERTY TAX FREEZE

SEC. 135. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47–801 et seq.), is amended as follows:

(1) Section 412 (D.C. Code, sec. 47–812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: ''If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.''.

(B) A new subsection (a–2) is added to read as follows:

''(a–2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.''.

(2) Section 413(c) (D.C. Code, sec. 47–815(c)) is repealed.

PRISONS INDUSTRIES

SEC. 136. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase ''or not-for-profit organizations.'' in its place.

REPORTS ON REDUCTIONS

SEC. 137. Within 120 days of the effective date of this Act, the Mayor shall submit to the Congress and the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

(2) actions to restructure existing long-term city debt;

(3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and

(4) a list of any position that is backfilled including description, title, and salary of the position.

MONTHLY REPORTING REQUIREMENTS—BOARD OF EDUCATION

SEC. 138. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including captial financing.

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogrammming requests and reports that are required to be, and have been submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

MONTHLY REPORTING REQUIREMENTS

UNIVERSITY OF THE DISTRICT OF COLUMBIA

SEC. 139. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center, responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

ANNUAL REPORTING REQUIREMENTS

SEC. 140. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION. The annual report required by subsection (a) shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than May 1, 1996, and each February 15 thereafter.

ANNUAL BUDGETS AND BUDGET REVISIONS

SEC. 141. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

BUDGET APPROVAL

SEC. 142. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

PUBLIC SCHOOL EMPLOYEE EVALUATIONS

SEC. 143. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

POSITION VACANCIES

SEC. 144. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), disallows the full-time equivalent position reduction provided in this act in meeting the maximum ceiling of 35,984 for the fiscal year ending September 30, 1996.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

(d) This section shall not apply to local school-based teachers, school-based officers, or school-based teachers' aides; or court personnel covered by title 11 of the D.C. Code, except chapter 23.

MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES

SEC. 145. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, (D.C. Code, sec. 1–601.1 et seq.) is amended—

(1) in section 301 (D.C. Code, sec. 1.603.1)—

(A) by inserting after paragraph (13), the following new paragraph:

''(13A) The term 'nonschool-based personnel' means any employee of the District of Columbia public schools who is not based at a local school or who does not provide direct services to individual students.''; and

(B) by inserting after paragraph (15), the following new paragraph:

''(15A) The term 'school administrators' means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia public schools.'';

(2) in section 801A(b)(2) (D.C. Code, sec. 1–609.1(b)(2)(L)—

(A) by striking ''(L) reduction-in-force'' and inserting ''(L)(i) reduction-in-force''; and

(B) by inserting after subparagraph (L)(i), the following new clause:

''(ii) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;''; and

(3) in section 2402 (D.C. Code, sec. 1–625.2), by adding at the end the following new subsection:

''(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.''.

SEC. 146. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 147. None of the funds provided in this Act may be used directly or indirectly for the renovation of the property located at 227 7th Street Southeast (commonly known as Eastern Market), except that funds provided in this Act may be used for the regular maintenance and upkeep of the current structure and grounds located at such property.

CAPITAL PROJECT EMPLOYEES

SEC. 148. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council of the District of Columbia, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Committees on Appropriations of the House of Representatives and the Senate a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information—

(1) a list of all employees by position, title, grade and step;

(2) a job description, including the capital project for which each employee is working;

(3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and

(4) a detailed explanation justifying why each employee is being paid with capital funds.

MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

SEC. 149. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1–625.1) is amended by amending the third sentence to read as follows: ''A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency.''.

(b) A new section 2406 is added to read as follows:

''SEC. 2406. Abolishment of positions for Fiscal Year 1996.

''(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

''(b) Prior to August 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

''(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

''(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to 1 round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

''(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

''(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

''(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows—

''(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2–38; D.C. Code, sec. 1–2543); and

''(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

''(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

''(1) four years for an employee who qualified for veteran's preference under this act, and

''(2) three years for an employee who qualified for residency preference under this act.

''(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

''(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

''(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.

''(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section''.

OPERATING EXPENSES AND GRANTS

SEC. 150. (a) CEILING ON TOTAL OPERATING EXPENSES.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1996 under the caption ''Division of Expenses'' shall not exceed $4,994,000,000 of which $165,339,000 shall be from intra-District funds.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the District of Columbia Financial

Responsibility and Management Assistance Authority established by Public Law 104–8 (109 Stat. 97) a report setting forth detailed information regarding such grant; and

(B) the District of Columbia Financial Responsibility and Management Assistance Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of Public Law 104–8.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

DEVELOPMENT OF PLANS REGARDING DISTRICT OF COLUMBIA CORRECTIONS

SEC. 151. (a) PLAN FOR SHORT-TERM IMPROVEMENTS.—

(1) IN GENERAL.—Not later than July 1, 1996, the National Institute of Corrections (acting for and on behalf of the District of Columbia) shall enter into an agreement with a private contractor to develop a plan for short-term improvements in the administration of the District of Columbia Department of Corrections (hereafter referred to as the ''Department'') and the administration and physical plant of the Lorton Correctional Complex (hereafter referred to as the ''Complex'') which may be initiated during a period not to exceed 5 months.

(2) CONTENTS OF PLAN.—The plan developed under paragraph (1) shall address the following issues:

(A) The reorganization of the central office of the Department, including the consolidation of units and the redeployment of personnel.

(B) The establishment of a centralized inmate classification unit.

(C) The implementation of a revised classification system for sentenced inmates.

(D) The development of a projection for the number of inmates under the authority of the Department over a 10-year period.

(E) The improvement of Department security operations.

(F) Capital improvements.

(G) The preparation of a methodology for developing and assessing options for the long-term status of the Complex and the Department (consistent with the requirements for the development of plans under subsection (b)).

(H) Other appropriate miscellaneous issues.

(3) SUBMISSION OF PLAN.—Upon completing the plan under paragraph (1) (but in no event later than September 30, 1996), the National Institute of Corrections shall submit the plan to the Mayor of the District of Columbia, the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

(b) OPTIONAL PLANS FOR LONG-TERM TREATMENT OF COMPLEX.—

(1) IN GENERAL.—Not later than July 1, 1996, the National Institute of Corrections (acting for and on behalf of the District of Columbia) shall enter into an agreement with a private contractor to develop a series of alternative plans regarding the long-term status of the Complex and the future operations of the Department, including the following:

(A) A separate plan under which the Complex will be closed and inmates transferred to new facilities constructed and operated by private entities.

(B) A separate plan under which the Complex will remain in operation under the management of the District of Columbia subject to such modifications as the District considers appropriate.

(C) A separate plan under which the Federal government will operate the Complex and inmates will be sentenced and treated in accordance with guidelines applicable to Federal prisoners.

(D) A separate plan under which the Complex will be operated under private management.

(E) Such other plans as the District of Columbia consider appropriate.

(2) REQUIREMENTS FOR PLANS.—Each of the alternative plans developed under paragraph (1) shall meet the following requirements:

(A) The plan shall provide for an appropriate transition period for implementation (not to exceed 5 years) to begin January 1, 1997.

(B) The plan shall specify the extent to which the Department will utilize alternative and cost-effective management methods, including the use of private management and vendors for the operation of the facilities and activities of the Department, including (where appropriate) the Complex.

(C) The plan shall include an implementation schedule specifying timetables for the completion of all significant activities, including site selection for new facilities, design, financing, construction, recruitment and hiring of personnel, training, adoption of new policies and procedures, and the establishment of essential administrative organizational structures to carry out the plan.

(D) In determining the bed capacity required for the Department through 2002, the plan shall use the population projections developed under the plan under subsection (a).

(E) The plan shall identify any Federal or District legislation which is required to be enacted, and any District regulations, policies, or procedures which are required to be adopted, in order for the plan to take effect.

(F) The plan shall take into account any court orders and consent decrees in effect with respect to the Department and shall describe how the plan will enable the District to comply with such orders and decrees.

(G) The plan shall include estimates of the operating and capital expenses for the Department for each year of the plan's transition period, together with the primary assumptions underlying such estimates.

(H) The plan shall require the Mayor of the District of Columbia to submit a semi-annual report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority describing the actions taken by the District under the plan, and in addition shall require the Mayor to regularly report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority on all measures taken under the plan as soon as such measures are taken.

(I) For each year for which the plan is in effect, the plan shall be consistent with the financial plan and budget for the District of Columbia for the year under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) SUBMISSION OF PLAN.—Upon completing the development of the alternative plans under paragraph (1) (but in no event later than December 31, 1996), the National Institute of Corrections shall submit the plan to the Mayor of the District of Columbia, the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

CHIEF FINANCIAL OFFICER POWERS

SEC. 152. Notwithstanding any other provision of law, for the fiscal years ending September 30, 1996 and September 30, 1997—

(a) the heads and all personnel of the following offices, together with all other District of Columbia executive branch accounting, budget, and financial management personnel, shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer:

The Office of the Treasurer.
The Controller of the District of Columbia.
The Office of the Budget.
The Office of Financial Information Services.
The Department of Finance and Revenue.

The District of Columbia Financial Responsibility and Management Assistance Authority established pursuant to Public Law 104–8, approved April 17, 1995, may remove such individuals from office for cause, after consultation with the Mayor and the Chief Financial Officer.

(b) the Chief Financial Officer shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia under part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act of 1993, approved December 24, 1973 (87 Stat. 774; Public Law 93–198), as amended, for fiscal years 1996, 1997 and 1998, annual estimates of the expenditures and appropriations necessary for the operation of the Office of the Chief Financial Officer for the year. All such estimates shall be forwarded by the Mayor to the Council of the District of Columbia for its action pursuant to sections 446 and 603(c) of such Act, without revision but subject to recommendations. Notwithstanding any other provisions of such Act, the Council may comment or make recommendations concerning such estimates, but shall have no authority to revise such estimates.

TECHNICAL CORRECTIONS TO FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

SEC. 153. (a) REQUIRING GSA TO PROVIDE SUPPORT SERVICES.—Section 103(f) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended by striking ''may provide'' and inserting ''shall promptly provide''.

(b) AVAILABILITY OF CERTAIN FEDERAL BENEFITS FOR INDIVIDUALS WHO BECOME EMPLOYED BY THE AUTHORITY.—

(1) FORMER FEDERAL EMPLOYEES.—Subsection (e) of section 102 of such Act is amended to read as follows:

''(e) PRESERVATION OF RETIREMENT AND CERTAIN OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME EMPLOYED BY THE AUTHORITY.—

''(1) IN GENERAL.—Any Federal employee who becomes employed by the Authority—

''(A) may elect, for the purposes set forth in paragraph (2)(A), to be treated, for so long as that individual remains continuously employed by the Authority, as if such individual had not separated from service with the Federal Government, subject to paragraph (3); and

''(B) shall, if such employee subsequently becomes reemployed by the Federal Government, be entitled to have such individual's service with the Authority treated, for purposes of determining the appropriate leave accrual rate, as if it had been service with the Federal Government.

''(2) EFFECT OF AN ELECTION.—An election made by an individual under the provisions of paragraph (1)(A)—

''(A) shall qualify such individual for the treatment described in such provisions for purposes of—

''(i) chapter 83 or 84 of title 5, United States Code, as appropriate (relating to retirement), including the Thrift Savings Plan;

''(ii) chapter 87 of such title (relating to life insurance); and

''(iii) chapter 89 of such title (relating to health insurance); and

''(B) shall disqualify such individual, while such election remains in effect, from participating in the programs offered by the government of the District of Columbia (if any) corresponding to the respective programs referred to in subparagraph (A).

''(3) CONDITIONS FOR AN ELECTION TO BE EFFECTIVE.—An election made by an individual under paragraph (1)(A) shall be ineffective unless—

''(A) it is made before such individual separates from service with the Federal Government; and

''(B) such individual's service with the Authority commences within 3 days after so separating (not counting any holiday observed by the government of the District of Columbia).

''(4) CONTRIBUTIONS.—If an individual makes an election under paragraph (1)(A), the Authority shall, in accordance with applicable provisions of law referred to in paragraph (2)(A), be responsible for making the same deductions from pay and the same agency contributions as would be required if it were a Federal agency.

''(5) REGULATIONS.—Any regulations necessary to carry out this subsection shall be prescribed in consultation with the Authority by—

''(A) the Office of Personnel Management, to the extent that any program administered by the office is involved;

''(B) the appropriate office or agency of the government of the District of Columbia, to the extent that any program administered by such office or agency is involved; and

''(C) the Executive Director referred to in section 8474 of title 5, United States Code, to the extent that the Thrift Savings Plan is involved.''.

(2) OTHER INDIVIDUALS.—Section 102 of such Act is further amended by adding at the end the following:

''(f) FEDERAL BENEFITS FOR OTHERS.—

''(1) IN GENERAL.—The Office of Personnel Management, in conjunction with each corresponding office or agency of the government of the District of Columbia and in consultation with the Authority, shall prescribe regulations under which any individual who becomes employed by the Authority (under circumstances other than as described in subsection (e)) may elect either—

''(A) to be deemed a Federal employee for purposes of the programs referred to in subsection (e)(2)(A) (i)–(iii); or

''(B) to participate in 1 or more of the corresponding programs offered by the government of the District of Columbia.

''(2) EFFECT OF AN ELECTION.—An individual who elects the option under subparagraph (A) or (B) of paragraph (1) shall be disqualified, while such election remains in effect, from participating in any of the programs referred to in the other such subparagraph.

''(3) DEFINITION OF 'CORRESPONDING OFFICE OR AGENCY'.—For purposes of paragraph (1), the term 'corresponding office or agency of the government of the District of Columbia' means, with respect to any program administered by the Office of Personnel Management, the office or agency responsible for administering the corresponding program (if any) offered by the government of the District of Columbia.

''(4) THRIFT SAVINGS PLAN.—To the extent that the Thrift Savings Plan is involved, the preceding provisions of this subsection shall be applied by substituting 'the Executive Director referred to in section 8474 of title 5, United States Code' for 'the Office of Personnel Management'.''.

(3) Effective date; additional election for former federal employees serving on date of enactment; election for employees appointed during interim period.—

(A) EFFECTIVE DATE.—Not later than 6 months after the date of enactment of this Act, there shall be prescribed in consultation with the Authority (and take effect)—

(i) regulations to carry out the amendments made by this subsection; and

(ii) any other regulations necessary to carry out this subsection.

(B) ADDITIONAL ELECTION FOR FORMER FEDERAL EMPLOYEES SERVING ON DATE OF ENACTMENT.—

(i) IN GENERAL.—Any former Federal employee employed by the Authority on the effective date of the regulations referred to in subparagraph (A)(i) may, within such period as may be provided for under those regulations, make an election similar, to the maximum extent practicable, to the election provided for under section 102(e) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this subsection. Such regulations shall be prescribed jointly by the Office of Personnel Management and each corresponding office or agency of the government of the District of Columbia (in the same manner as provided for in section 102(f) of such Act, as so amended).

(ii) EXCEPTION.—An election under this subparagraph may not be made by any individual who—

(I) is not then participating in a retirement system for Federal employees (disregarding Social Security); or

(II) is then participating in any program of the government of the District of Columbia referred to in section 102(e)(2)(B) of such Act (as so amended).

(C) ELECTION FOR EMPLOYEES APPOINTED DURING INTERIM PERIOD.—

(i) FROM THE FEDERAL GOVERNMENT.—Subsection (e) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as last in effect before the date of enactment of this Act) shall be deemed to have remained in effect for purposes of any Federal employee who becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on such date of enactment and ending on the day before the effective date of the regulations prescribed to carry out subparagraph (B).

(ii) OTHER INDIVIDUALS.—The regulations prescribed to carry out subsection (f) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as amended by this subsection) shall include provisions under which an election under such subsection shall be available to any individual who—

(I) becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on the date of enactment of this Act and ending on the day before the effective date of such regulations;

(II) would have been eligible to make an election under such regulations had those regulations been in effect when such individual became so employed; and

(III) is not then participating in any program of the government of the District of Columbia referred to in subsection (f)(1)(B) of such section 102 (as so amended).

(c) EXEMPTION FROM LIABILITY FOR CLAIMS FOR AUTHORITY EMPLOYEES.—Section 104 of such Act is amended—

(1) by striking ''the Authority and its members'' and inserting ''the Authority, its members, and its employees''; and

(2) by striking ''the District of Columbia'' and inserting ''the Authority or its members or employees or the District of Columbia''.

(d) PERMITTING REVIEW OF EMERGENCY LEGISLATION.—Section 203(a)(3) of such Act is amended by striking subparagraph (C).

ESTABLISHMENT OF EXCLUSIVE ACCOUNTS FOR BLUE PLAINS ACTIVITIES

SEC. 154. (a) OPERATION AND MAINTENANCE ACCOUNT.—

(1) CONTENTS OF ACCOUNT.—There is hereby established within the Water and Sewer Enterprise Fund the Operation and Maintenance Account, consisting of all funds paid to the District of Columbia on or after the date of the enactment of this Act which are—

(A) attributable to waste water treatment user charges;

(B) paid by users jurisdictions for the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works; or

(C) appropriated or otherwise provided for the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

(2) USE OF FUNDS IN ACCOUNT.—Funds in the Operation and Maintenance Account shall be used solely for funding the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works and may not be obligated or expended for any other purpose, and may be used for related debt service and capital costs if such funds are not attributable to user charges assessed for purposes of section 204(b)(1) of the Federal Water Pollution Control Act.

(b) EPA GRANT ACCOUNT.—

(1) CONTENTS OF ACCOUNT.—There is hereby established within the Water and Sewer Enterprise Fund and EPA Grant Account, consisting of all funds paid to the District of Columbia on or after the date of the enactment of this Act which are—

(A) attributable to grants from the Environmental Protection Agency for construction at the Blue Plains Wastewater Treatment Facility and related waste water treatment works; or

(B) appropriated or otherwise provided for construction at the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

(2) USE OF FUNDS IN ACCOUNT.—Funds in the EPA Grant Account shall be used solely for the purposes specified under the terms of the grants and appropriations involved, and may not be obligated or expended for any other purpose.

POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS

SEC. 155. (a) Up to 50 police officers and up to 50 Fire and Emergency Medical Services members with less than 20 years of departmental service who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1996 shall be excluded from the computation of the rate of disability retirements under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1–725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.

(b) The Mayor, within 30 days after the enactment of this provision, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96–122, approved November 17, 1979; D.C. Code, secs. 1–722(d) and 1–724(d)).

(c) This section shall not go into effect until 15 days after the Mayor transmits the actuarial report required by section 142(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96–122, approved November 17, 1979) to the D.C. Retirement Board, the Speaker of the House of Representatives, and the President pro tempore of the Senate.

CONVEYANCE OF CERTAIN PROPERTY TO ARCHITECT OF THE CAPITOL

SEC. 156. Pursuant to section 1(b)(2) of Public Law 98–340 and in accordance with the agreement entered into between the Architect of the Capitol and the District of Columbia pursuant to such Act (as executed on September 28, 1984), not later than 30 days after the date of the enactment of this Act the District of Columbia shall convey without consideration by general warranty deed to the Architect of the Capitol on behalf of the United States all right, title, and interest of the District of Columbia in the real property (including improvements and appurtenances thereon) within the area known as ''D.C. Village'' and described in Attachment A of the agreement.

This title may be cited as the ''District of Columbia Appropriations Act, 1996''.

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

SEC. 2001. SHORT TITLE.

This title may be cited as the ''District of Columbia School Reform Act of 1995''.

SEC. 2002. DEFINITIONS.

Except as otherwise provided, for purposes of this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

(C) the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) AUTHORITY.—The term ''Authority'' means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

(3) AVERAGE DAILY ATTENDANCE.—The term ''average daily attendance'' means the aggregate attendance of students of the school during the period divided by the number of days during the period in which—

(A) the school is in session; and

(B) the students of the school are under the guidance and direction of teachers.

(4) AVERAGE DAILY MEMBERSHIP.—The term ''average daily membership'' means the aggregate enrollment of students of the school during the period divided by the number of days during the period in which—

(A) the school is in session; and

(B) the students of the school are under the guidance and direction of teachers.

(5) BOARD OF EDUCATION.—The term ''Board of Education'' means the Board of Education of the District of Columbia.

(6) BOARD OF TRUSTEES.—The term ''Board of Trustees'' means the governing board of a public charter school, the members of which are selected pursuant to the charter granted to the school and in a manner consistent with this title.

(7) CONSENSUS COMMISSION.—The term ''Consensus Commission'' means the Commission on Consensus Reform in the District of Columbia public schools established under subtitle H.

(8) CORE CURRICULUM.—The term ''core curriculum'' means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through grade 12 in academic content areas, including, at a minimum, English, mathematics, science, and history.

(9) DISTRICT OF COLUMBIA COUNCIL.—The term ''District of Columbia Council'' means the Council of the District of Columbia established pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1–221).

(10) DISTRICT OF COLUMBIA GOVERNMENT.—

(A) IN GENERAL.—The term ''District of Columbia Government'' means the government of the District of Columbia, including—

(i) any department, agency, or instrumentality of the government of the District of Columbia;

(ii) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act;

(iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;

(iv) the courts of the District of Columbia;

(v) the District of Columbia Council; and

(vi) any other agency, public authority, or public nonprofit corporation that has the authority to receive moneys directly or indirectly from the District of Columbia (other than moneys received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia).

(B) EXCEPTION.—The term ''District of Columbia Government'' neither includes the Authority nor a public charter school.

(11) DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.—The term ''District of Columbia Government retirement system'' means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia Government.

(12) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—

(A) IN GENERAL.—The term ''District of Columbia public school'' means a public school in the District of Columbia that offers classes—

(i) at any of the grade levels from prekindergarten through grade 12; or

(ii) leading to a secondary school diploma, or its recognized equivalent.

(B) EXCEPTION.—The term ''District of Columbia public school'' does not include a public charter school.

(13) DISTRICTWIDE ASSESSMENTS.—The term ''districtwide assessments'' means a variety of assessment tools and strategies (including individual student assessments under subparagraph (E)(ii)) administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools that—

(A) are aligned with the District of Columbia's content standards and core curriculum;

(B) provide coherent information about student attainment of such standards;

(C) are used for purposes for which such assessments are valid, reliable, and unbiased, and are consistent with relevant nationally recognized professional and technical standards for such assessments;

(D) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding; and

(E) provide for—

(i) the participation in such assessments of all students;

(ii) individual student assessments for students that fail to reach minimum acceptable levels of performance;

(iii) the reasonable adaptations and accommodations for students with special needs (as defined in paragraph (32)) necessary to measure the achievement of such students relative to the District of Columbia's content standards; and

(iv) the inclusion of limited-English proficient students, who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information regarding such students' knowledge and abilities.

(14) ELECTRONIC DATA TRANSFER SYSTEM.—The term ''electronic data transfer system'' means a computer-based process for the maintenance and transfer of student records designed to permit the transfer of individual student records among District of Columbia public schools and public charter schools.

(15) ELEMENTARY SCHOOL.—The term ''elementary school'' means an institutional day or residential school that provides elementary education, as determined under District of Columbia law.

(16) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means a person, including a private, public, or quasi-public entity, or an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))), that seeks to establish a public charter school in the District of Columbia.

(17) ELIGIBLE CHARTERING AUTHORITY.—The term ''eligible chartering authority'' means any of the following:

(A) The Board of Education.

(B) The Public Charter School Board.

(C) Any one entity designated as an eligible chartering authority by enactment of a bill by the District of Columbia Council after the date of the enactment of this Act.

(18) FAMILY RESOURCE CENTER.—The term ''family resource center'' means an information desk—

(A) located in a District of Columbia public school or a public charter school serving a majority of students whose family income is not greater than 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act applicable to a family of the size involved (42 U.S.C. 9902(3))); and

(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) INDIVIDUAL CAREER PATH.—The term ''individual career path'' means a program of study that provides a secondary school student the skills necessary to compete in the 21st century workforce.

(20) LITERACY.—The term ''literacy'' means—

(A) in the case of a minor student, such student's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function in society, to achieve such student's goals, and develop such student's knowledge and potential; and

(B) in the case of an adult, such adult's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve such adult's goals, and develop such adult's knowledge and potential.

(21) LONG-TERM REFORM PLAN.—The term ''long-term reform plan'' means the plan submitted by the Superintendent under section 2101.

(22) MAYOR.—The term ''Mayor'' means the Mayor of the District of Columbia.

(23) METROBUS AND METRORAIL TRANSIT SYSTEM.—The term ''Metrobus and Metrorail Transit System'' means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(24) MINOR STUDENT.—The term ''minor student'' means an individual who—

(A) is enrolled in a District of Columbia public school or a public charter school; and

(B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31–401 and 31–402, D.C. Code).

(25) NONRESIDENT STUDENT.—The term ''nonresident student'' means—

(A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or

(B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(26) PARENT.—The term ''parent'' means a person who has custody of a child, and who—

(A) is a natural parent of the child;

(B) is a stepparent of the child;

(C) has adopted the child; or

(D) is appointed as a guardian for the child by a court of competent jurisdiction.

(27) PETITION.—The term ''petition'' means a written application.

(28) PROMOTION GATE.—The term ''promotion gate'' means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include student achievement on districtwide assessments established under subtitle C.

(29) PUBLIC CHARTER SCHOOL.—The term ''public charter school'' means a publicly funded school in the District of Columbia that—

(A) is established pursuant to subtitle B; and

(B) except as provided under sections 2212(d)(5) and 2213(c)(5) is not a part of the District of Columbia public schools.

(30) PUBLIC CHARTER SCHOOL BOARD.—The term ''Public Charter School Board'' means the Public Charter School Board established under section 2214.

(31) SECONDARY SCHOOL.—The term ''secondary school'' means an institutional day or residential school that provides secondary education, as determined by District of Columbia law, except that such term does not include any education beyond grade 12.

(32) STUDENT WITH SPECIAL NEEDS.—The term ''student with special needs'' means a student who is a child with a disability as provided in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)) or a student who is an individual with a disability as provided in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

(33) SUPERINTENDENT.—The term ''Superintendent'' means the Superintendent of the District of Columbia public schools.

(34) TEACHER.—The term ''teacher'' means any person employed as a teacher by the Board of Education or by a public charter school.

SEC. 2003. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall be effective during the period beginning on the date of enactment of this Act and ending 5 years after such date.

Subtitle A—District of Columbia Reform Plan

SEC. 2101. LONG-TERM REFORM PLAN.

(a) IN GENERAL.—

(1) PLAN.—The Superintendent, with the approval of the Board of Education, shall submit to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees, a long-term reform plan, not later than 90 days after the date of enactment of this Act, and each February 15 thereafter. The long-term reform plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(2) CONSULTATION.—

(A) IN GENERAL.—In developing the long-term reform plan, the Superintendent—

(i) shall consult with the Board of Education, the Mayor, the District of Columbia Council, the Authority, and the Consensus Commission; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) SUMMARY OF RECOMMENDATIONS.—The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to the recommendations.

(b) CONTENTS.—

(1) AREAS TO BE ADDRESSED.—The long-term reform plan shall describe how the District of Columbia public schools will become a world-class education system that prepares students for lifetime learning in the 21st century and which is on a par with the best education systems of other cities, States, and nations. The long-term reform plan shall include a description of how the District of Columbia public schools will accomplish the following:

(A) Achievement at nationally and internationally competitive levels by students attending District of Columbia public schools.

(B) The preparation of students for the workforce, including—

(i) providing special emphasis for students planning to obtain a postsecondary education; and

(ii) the development of individual career paths.

(C) The improvement of the health and safety of students in District of Columbia public schools.

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools.

(E) The implementation of a comprehensive and effective adult education and literacy program.

(F) The identification, beginning in grade 3, of each student who does not meet minimum standards of academic achievement in reading, writing, and mathematics in order to ensure that such student meets such standards prior to grade promotion.

(G) The achievement of literacy, and the possession of the knowledge and skills necessary to think critically, communicate effectively, and perform competently on districtwide assessments, by students attending District of Columbia public schools prior to such student's completion of grade 8.

(H) The establishment of after-school programs that promote self-confidence, self-discipline, self-respect, good citizenship, and respect for leaders, through such activities as arts classes, physical fitness programs, and community service.

(I) Steps necessary to establish an electronic data transfer system.

(J) Encourage parental involvement in all school activities, particularly parent teacher conferences.

(K) Development and implementation, through the Board of Education and the Superintendent, of a uniform dress code for the District of Columbia public schools, that—

(i) shall include a prohibition of gang membership symbols;

(ii) shall take into account the relative costs of any such code for each student; and

(iii) may include a requirement that students wear uniforms.

(L) The establishment of classes, beginning not later than grade 3, to teach students how to use computers effectively.

(M) The development of community schools that enable District of Columbia public schools to collaborate with other public and nonprofit agencies and organizations, local businesses, recreational, cultural, and other community and human service entities, for the purpose of meeting the needs and expanding the opportunities available to residents of the communities served by such schools.

(N) The establishment of programs which provide counseling, mentoring (especially peer mentoring), academic support, outreach, and supportive services to elementary, middle, and secondary school students who are at risk of dropping out of school.

(O) The establishment of a comprehensive remedial education program to assist students who do not meet basic literacy standards, or the criteria of promotion gates established in section 2321.

(P) The establishment of leadership development projects for middle school principals, which projects shall increase student learning and achievement and strengthen such principals as instructional school leaders.

(Q) The implementation of a policy for performance-based evaluation of principals and teachers, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals).

(R) The implementation of policies that require competitive appointments for all District of Columbia public school positions.

(S) The implementation of policies regarding alternative teacher certification requirements.

(T) The implementation of testing requirements for teacher licensing renewal.

(U) A review of the District of Columbia public school central office budget and staffing reductions for each fiscal year compared to the level of such budget and reductions at the end of fiscal year 1995.

(V) The implementation of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

(2) OTHER INFORMATION.—For each of the items described in subparagraphs (A) through (V) of paragraph (1), the long-term reform plan shall include—

(A) a statement of measurable, objective performance goals;

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) dates by which the goals shall be met;

(D) plans for monitoring and reporting progress to District of Columbia residents, the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees regarding the carrying out of the long-term reform plan; and

(E) the title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee's immediate supervisor or superior.

(c) AMENDMENTS.—The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term reform plan to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees. Any amendment to the long-term reform plan shall be consistent with the financial plan and budget for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, for the District of Columbia required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

SEC. 2102. SUPERINTENDENT'S REPORT ON REFORMS.

Not later than December 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, the Consensus Commission, and the District of Columbia Council a report regarding the progress of the District of Columbia public schools toward achieving the goals of the long-term reform plan.

SEC. 2103. DISTRICT OF COLUMBIA COUNCIL REPORT.

Not later than April 1, 1997, the Chairperson of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the goals of the long-term reform plan.

Subtitle B—Public Charter Schools

SEC. 2201. PROCESS FOR FILING CHARTER PETITIONS.

(a) EXISTING PUBLIC SCHOOL.—An eligible applicant seeking to convert a District of Columbia public school into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2202;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school; and

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) is signed by two-thirds of the sum of—

(i) the total number of parents of minor students attending the school; and

(ii) the total number of adult students attending the school; and

(B) is endorsed by at least two-thirds of full-time teachers employed in the school.

(b) PRIVATE OR INDEPENDENT SCHOOL.—An eligible applicant seeking to convert an existing

private or independent school in the District of Columbia into a public charter school—

(1) shall prepare a petition to establish a public charter school that is approved by the Board of Trustees or authority responsible for the school and that meets the requirements of section 2202;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school; and

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) is signed by two-thirds of the sum of—

(i) the total number of parents of minor students attending the school; and

(ii) the total number of adult students attending the school; and

(B) is endorsed by at least two-thirds of full-time teachers employed in the school.

(c) NEW SCHOOL.—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert a District of Columbia public school or a private or independent school into a public charter school, shall file with an eligible chartering authority for approval a petition to establish a public charter school that meets the requirements of section 2202.

SEC. 2202. CONTENTS OF PETITION.

A petition under section 2201 to establish a public charter school shall include the following:

(1) A statement defining the mission and goals of the proposed school and the manner in which the school will conduct any districtwide assessments.

(2) A statement of the need for the proposed school in the geographic area of the school site.

(3) A description of the proposed instructional goals and methods for the proposed school, which shall include, at a minimum—

(A) the area of focus of the proposed school, such as mathematics, science, or the arts, if the school will have such a focus;

(B) the methods that will be used, including classroom technology, to provide students with the knowledge, proficiency, and skills needed—

(i) to become nationally and internationally competitive students and educated individuals in the 21st century; and

(ii) to perform competitively on any districtwide assessments; and

(C) the methods that will be used to improve student self-motivation, classroom instruction, and learning for all students.

(4) A description of the scope and size of the proposed school's program that will enable students to successfully achieve the goals established by the school, including the grade levels to be served by the school and the projected and maximum enrollment of each grade level.

(5) A description of the plan for evaluating student academic achievement at the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school.

(6) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) either—

(i) an identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

(ii) a timetable by which such an identification will be made;

(C) a description of any major contracts planned, with a value equal to or exceeding $10,000, for equipment and services, leases, improvements, purchases of real property, or insurance; and

(D) a timetable for commencing operations as a public charter school.

(7) A description of the proposed rules and policies for governance and operation of the proposed school.

(8) Copies of the proposed articles of incorporation and bylaws of the proposed school.

(9) The names and addresses of the members of the proposed Board of Trustees and the procedures for selecting trustees.

(10) A description of the student enrollment, admission, suspension, expulsion, and other disciplinary policies and procedures of the proposed school, and the criteria for making decisions in such areas.

(11) A description of the procedures the proposed school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws, and all applicable civil rights statutes and regulations of the Federal Government and the District of Columbia.

(12) An explanation of the qualifications that will be required of employees of the proposed school.

(13) An identification, and a description, of the individuals and entities submitting the petition, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers.

(14) A description of how parents, teachers, and other members of the community have been involved in the design and will continue to be involved in the implementation of the proposed school.

(15) A description of how parents and teachers will be provided an orientation and other training to ensure their effective participation in the operation of the public charter school.

(16) An assurance the proposed school will seek, obtain, and maintain accreditation from at least one of the following:

(A) The Middle States Association of Colleges and Schools.

(B) The Association of Independent Maryland Schools.

(C) The Southern Association of Colleges and Schools.

(D) The Virginia Association of Independent Schools.

(E) American Montessori Internationale.

(F) The American Montessori Society.

(G) The National Academy of Early Childhood Programs.

(H) Any other accrediting body deemed appropriate by the eligible chartering authority that granted the charter to the school.

(17) In the case that the proposed school's educational program includes preschool or prekindergarten, an assurance the proposed school will be licensed as a child development center by the District of Columbia Government not later than the first date on which such program commences.

(18) An explanation of the relationship that will exist between the public charter school and the school's employees.

(19) A statement of whether the proposed school elects to be treated as a local educational agency or a District of Columbia public school for purposes of part B of the Individuals With Disabilities Education Act (20 U.S.C. 1411 et seq.) and section 504 of the Rehabilitation Act of 1973 (20 U.S.C. 794), and notwithstanding any other provision of law the eligible chartering authority shall not have the authority to approve or disapprove such election.

SEC. 2203. PROCESS FOR APPROVING OR DENYING PUBLIC CHARTER SCHOOL PETITIONS.

(a) SCHEDULE.—An eligible chartering authority shall establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register and newspapers of general circulation.

(b) PUBLIC HEARING.—Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the eligible chartering authority shall hold a public hearing on the petition to gather the information that is necessary for the eligible chartering authority to make the decision to approve or deny the petition.

(c) NOTICE.—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

(1) shall publish a notice of the hearing in the District of Columbia Register and newspapers of general circulation; and

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.

(d) APPROVAL.—Subject to subsection (i), an eligible chartering authority may approve a petition to establish a public charter school, if—

(1) the eligible chartering authority determines that the petition satisfies the requirements of this subtitle;

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this subtitle and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition; and

(3) the eligible chartering authority determines that the public charter school has the ability to meet the educational objectives outlined in the petition.

(e) TIMETABLE.—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) EXTENSION.—An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) by a period that shall not exceed 30 days.

(g) DENIAL EXPLANATION.—If an eligible chartering authority denies a petition or finds the petition to be incomplete, the eligible chartering authority shall specify in writing the reasons for its decision and indicate, when the eligible chartering authority determines appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) APPROVED PETITION.—

(1) NOTICE.—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the eligible chartering authority shall provide a written notice of the approval, including a copy of the approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register and newspapers of general circulation.

(2) CHARTER.—The provisions described in paragraphs (1), (7), (8), (11), (16), (17), and (18) of section 2202 of a petition to establish a public charter school that are approved by an eligible chartering authority, together with any amendments to such provisions in the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the eligible chartering authority.

(i) NUMBER OF PETITIONS.—

(1) FIRST YEAR.—For academic year 1996–1997, not more than 10 petitions to establish public charter schools may be approved under this subtitle.

(2) SUBSEQUENT YEARS.—For academic year 1997–1998 and each academic year thereafter each eligible chartering authority shall not approve more than 5 petitions to establish a public charter school under this subtitle.

(j) EXCLUSIVE AUTHORITY OF THE ELIGIBLE CHARTERING AUTHORITY.—No governmental entity, elected official, or employee of the District of Columbia shall make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school, except for officers or employees of the eligible chartering authority with which the petition is filed.

SEC. 2204. DUTIES, POWERS, AND OTHER REQUIREMENTS, OF PUBLIC CHARTER SCHOOLS.

(a) DUTIES.—A public charter school shall comply with all of the terms and provisions of its charter.

(b) POWERS.—A public charter school shall have the following powers:

(1) To adopt a name and corporate seal, but only if the name selected includes the words ''public charter school''.

(2) To acquire real property for use as the public charter school's facilities, from public or private sources.

(3) To receive and disburse funds for public charter school purposes.

(4) Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

(5) To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of Federal or private funds.

(6) To solicit and accept any grants or gifts for public charter school purposes, if the public charter school—

(A) does not accept any grants or gifts subject to any condition contrary to law or contrary to its charter; and

(B) maintains for financial reporting purposes separate accounts for grants or gifts.

(7) To be responsible for the public charter school's operation, including preparation of a budget and personnel matters.

(8) To sue and be sued in the public charter school's own name.

(c) PROHIBITIONS AND OTHER REQUIREMENTS.—

(1) CONTRACTING AUTHORITY.—

(A) NOTICE REQUIREMENT.—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any contract proposed to be awarded by the public charter school and having a value equal to or exceeding $10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 30 days prior to the award of the contract.

(B) SUBMISSION TO THE AUTHORITY.—

(i) DEADLINE FOR SUBMISSION.—With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) EFFECTIVE DATE OF CONTRACT.—

(I) IN GENERAL.—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) EXCEPTION.—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) TUITION.—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students, or for field trips or similar activities.

(3) CONTROL.—A public charter school—

(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this subtitle; and

(B) shall be exempt from District of Columbia statutes, policies, rules, and regulations established for the District of Columbia public schools by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in the school's charter or this subtitle.

(4) HEALTH AND SAFETY.—A public charter school shall maintain the health and safety of all students attending such school.

(5) CIVIL RIGHTS AND IDEA.—The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), shall apply to a public charter school.

(6) GOVERNANCE.—A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school and the provisions of this subtitle.

(7) OTHER STAFF.—No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(8) OTHER STUDENTS.—No student enrolled in a District of Columbia public school may be required to attend a public charter school.

(9) TAXES OR BONDS.—A public charter school shall not levy taxes or issue bonds.

(10) CHARTER REVISION.—A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file the petition with the eligible chartering authority that granted the charter. The provisions of section 2203 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(11) ANNUAL REPORT.—

(A) IN GENERAL.—A public charter school shall submit an annual report to the eligible chartering authority that approved its charter. The school shall permit a member of the public to review any such report upon request.

(B) CONTENTS.—A report submitted under subparagraph (A) shall include the following data:

(i) A report on the extent to which the school is meeting its mission and goals as stated in the petition for the charter school.

(ii) Student performance on any districtwide assessments.

(iii) Grade advancement for students enrolled in the public charter school.

(iv) Graduation rates, college admission test scores, and college admission rates, if applicable.

(v) Types and amounts of parental involvement.

(vi) Official student enrollment.

(vii) Average daily attendance.

(viii) Average daily membership.

(ix) A financial statement audited by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.

(x) A report on school staff indicating the qualifications and responsibilities of such staff.

(xi) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal to or exceeding $500 during the year that is the subject of the report.

(C) NONIDENTIFYING DATA.—Data described in clauses (i) through (ix) of subparagraph (B) that are included in an annual report shall not identify the individuals to whom the data pertain.

(12) CENSUS.—A public charter school shall provide to the Board of Education student enrollment data necessary for the Board of Education to comply with section 3 of article II of the Act of February 4, 1925 (D.C. Code, sec. 31–404) (relating to census of minors).

(13) COMPLAINT RESOLUTION PROCESS.—A public charter school shall establish an informal complaint resolution process.

(14) PROGRAM OF EDUCATION.—A public charter school shall provide a program of education which shall include one or more of the following:

(A) Preschool.

(B) Prekindergarten.

(C) Any grade or grades from kindergarten through grade 12.

(D) Residential education.

(E) Adult, community, continuing, and vocational education programs.

(15) NONSECTARIAN NATURE OF SCHOOLS.—A public charter school shall be nonsectarian and shall not be affiliated with a sectarian school or religious institution.

(16) NONPROFIT STATUS OF SCHOOL.—A public charter school shall be organized under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(17) IMMUNITY FROM CIVIL LIABILITY.—

(A) IN GENERAL.—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(i) constitutes gross negligence;

(ii) constitutes an intentional tort; or

(iii) is criminal in nature.

(B) COMMON LAW IMMUNITY PRESERVED.—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

SEC. 2205. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.

(a) BOARD OF TRUSTEES.—The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such Board of Trustees shall have an odd number of members that does not exceed 7, of which—

(1) a majority shall be residents of the District of Columbia; and

(2) at least 2 shall be parents of a student attending the school.

(b) ELIGIBILITY.—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

(1) is a teacher or staff member who is employed at the school;

(2) is a parent of a student attending the school; or

(3) meets the election or selection criteria set forth in the charter granted to the school.

(c) ELECTION OR SELECTION OF PARENTS.—In the case of the first Board of Trustees of a public charter school to be elected or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim Board of Trustees may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) FIDUCIARIES.—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this subtitle, and other applicable law.

SEC. 2206. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.

(a) OPEN ENROLLMENT.—Enrollment in a public charter school shall be open to all students

who are residents of the District of Columbia and, if space is available, to nonresident students who meet the tuition requirement in subsection (e).

(b) CRITERIA FOR ADMISSION.—A public charter school may not limit enrollment on the basis of a student's race, color, religion, national origin, language spoken, intellectual or athletic ability, measures of achievement or aptitude, or status as a student with special needs. A public charter school may limit enrollment to specific grade levels.

(c) RANDOM SELECTION.—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process.

(d) ADMISSION TO AN EXISTING SCHOOL.—During the 5-year period beginning on the date that a petition, filed by an eligible applicant seeking to convert a District of Columbia public school or a private or independent school into a public charter school, is approved, the school may give priority in enrollment to—

(1) students enrolled in the school at the time the petition is granted;

(2) the siblings of students described in paragraph (1); and

(3) in the case of the conversion of a District of Columbia public school, students who reside within the attendance boundaries, if any, in which the school is located.

(e) NONRESIDENT STUDENTS.—Nonresident students shall pay tuition to attend a public charter school at the applicable rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student is enrolled.

(f) STUDENT WITHDRAWAL.—A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) EXPULSION AND SUSPENSION.—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

SEC. 2207. EMPLOYEES.

(a) EXTENDED LEAVE OF ABSENCE WITHOUT PAY.—

(1) LEAVE OF ABSENCE FROM DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) REQUEST FOR EXTENSION.—At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under such paragraph may submit a request to the Superintendent for an extension of the leave of absence for an unlimited number of 2-year terms. The Superintendent may not unreasonably (as determined by the eligible chartering authority) withhold approval of the request.

(3) RIGHTS UPON TERMINATION OF LEAVE.—An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) or (2) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2–139, effective March 3, 1979 (D.C. Code, sec. 1–627.4) and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) AUTHORITY TO ESTABLISH SEPARATE SYSTEM.—A public charter school may establish a retirement system for employees under its authority.

(3) ELECTION OF RETIREMENT SYSTEM.—A former employee of the District of Columbia public schools who becomes an employee of a public charter school within 60 days after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—

(A) to remain in a District of Columbia Government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2).

(4) PROHIBITED EMPLOYMENT CONDITIONS.—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.

(5) CONTRIBUTIONS.—

(A) EMPLOYEES ELECTING NOT TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia Government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.

(B) EMPLOYEES ELECTING TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the applicable District of Columbia Government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system of the public charter school.

(c) EMPLOYMENT STATUS.—Notwithstanding any other provision of law and except as provided in this section, an employee of a public charter school shall not be considered to be an employee of the District of Columbia Government for any purpose.

SEC. 2208. REDUCED FARES FOR PUBLIC TRANSPORTATION.

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2–152, effective March 9, 1979 (D.C. Code, sec. 44–216 et seq.), to a student attending a District of Columbia public school.

SEC. 2209. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.

The Superintendent may provide services, such as facilities maintenance, to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

SEC. 2210. APPLICATION OF LAW.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) TREATMENT AS LOCAL EDUCATIONAL AGENCY.—

(A) IN GENERAL.—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), and shall be eligible for assistance under such part, if the fraction the numerator of which is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made and the denominator of which is the total number of students enrolled in such public charter school for such preceding year, is equal to or greater than the lowest fraction determined for any District of Columbia public school receiving assistance under such part A where the numerator is the number of low-income students enrolled in such public school for such preceding year and the denominator is the total number of students enrolled in such public school for such preceding year.

(B) DEFINITION.—For the purposes of this subsection, the term ''low-income student'' means a student from a low-income family determined according to the measure adopted by the District of Columbia to carry out the provisions of part A of title I of the Elementary and Secondary Education Act of 1965 that is consistent with the measures described in section 1113(a)(5) of such Act (20 U.S.C. 6313(a)(5)) for the fiscal year for which the determination is made.

(2) ALLOCATION FOR FISCAL YEARS 1996 THROUGH 1998.—

(A) PUBLIC CHARTER SCHOOLS.—For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D).

(B) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of subparagraph (D) bears to the aggregate total described in subparagraph (D).

(C) NUMBER OF ELIGIBLE STUDENTS ENROLLED IN THE PUBLIC CHARTER SCHOOL.—The number described in this subparagraph is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made.

(D) AGGREGATE NUMBER OF ELIGIBLE STUDENTS.—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a public charter school.

(ii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965.

(iii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made—

(I) were enrolled in a private or independent school; and

(II) resided in an attendance area of a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965.

(3) ALLOCATION FOR FISCAL YEAR 1999 AND THEREAFTER.—

(A) CALCULATION BY SECRETARY.—Notwithstanding sections 1124(a)(2), 1124A(a)(4), and 1125(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(a)(2), 6334(a)(4), and 6335(d)), for fiscal year 1999 and each fiscal year thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all such local educational

agencies as if such agencies were a single local educational agency for the District of Columbia.

(B) ALLOCATION.—

(i) PUBLIC CHARTER SCHOOLS.—For fiscal year 1999 and each fiscal year thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the number described in paragraph (2)(C) bears to the aggregate total described in paragraph (2)(D).

(ii) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—For fiscal year 1999 and each fiscal year thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) USE OF ESEA FUNDS.—The Board of Education may not direct a public charter school in the school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) ESEA REQUIREMENTS.—Except as provided in paragraph (6), a public charter school receiving funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall comply with all requirements applicable to schools receiving such funds.

(6) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

(A) Paragraphs (5) and (8) of section 1112(b) (20 U.S.C. 6312(b)).

(B) Paragraphs (1)(A), (1)(B), (1)(C), (1)(D), (1)(F), (1)(H), and (3) of section 1112(c) (20 U.S.C. 6312(c)).

(C) Section 1113 (20 U.S.C. 6313).

(D) Section 1115A (20 U.S.C. 6316).

(E) Subsections (a), (b), and (c) of section 1116 (20 U.S.C. 6317).

(F) Subsections (d) and (e) of section 1118 (20 U.S.C. 6319).

(G) Section 1120 (20 U.S.C. 6321).

(H) Subsections (a) and (c) of section 1120A (20 U.S.C. 6322).

(I) Section 1126 (20 U.S.C. 6337).

(b) PROPERTY AND SALES TAXES.—A public charter school shall be exempt from District of Columbia property and sales taxes.

(c) EDUCATION OF CHILDREN WITH DISABILITIES.—Notwithstanding any other provision of this title, each public charter school shall elect to be treated as a local educational agency or a District of Columbia public school for the purpose of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

SEC. 2211. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.

(a) OVERSIGHT.—

(1) IN GENERAL.—An eligible chartering authority—

(A) shall monitor the operations of each public charter school to which the eligible chartering authority has granted a charter;

(B) shall ensure that each such school complies with applicable laws and the provisions of the charter granted to such school; and

(C) shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to such school.

(2) PRODUCTION OF BOOKS AND RECORDS.—An eligible chartering authority may require a public charter school to which the eligible chartering authority has granted a charter to produce any book, record, paper, or document, if the eligible chartering authority determines that such production is necessary for the eligible chartering authority to carry out its functions under this subtitle.

(b) FEES.—

(1) APPLICATION FEE.—An eligible chartering authority may charge an eligible applicant a fee, not to exceed $150, for processing a petition to establish a public charter school.

(2) ADMINISTRATION FEE.—In the case of an eligible chartering authority that has granted a charter to a public charter school, the eligible chartering authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the eligible chartering authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(c) IMMUNITY FROM CIVIL LIABILITY.—

(1) IN GENERAL.—An eligible chartering authority, the Board of Trustees of such an eligible chartering authority, and a director, officer, employee, or volunteer of such an eligible chartering authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(A) constitutes gross negligence;

(B) constitutes an intentional tort; or

(C) is criminal in nature.

(2) COMMON LAW IMMUNITY PRESERVED.—Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

(d) ANNUAL REPORT.—On or before July 30 of each year, each eligible chartering authority that issues a charter under this subtitle shall submit a report to the Mayor, the District of Columbia Council, the Board of Education, the Secretary of Education, the appropriate congressional committees, and the Consensus Commission that includes the following information:

(1) A list of the members of the eligible chartering authority and the addresses of such members.

(2) A list of the dates and places of each meeting of the eligible chartering authority during the year preceding the report.

(3) The number of petitions received by the eligible chartering authority for the conversion of a District of Columbia public school or a private or independent school to a public charter school, and for the creation of a new school as a public charter school.

(4) The number of petitions described in paragraph (3) that were approved and the number that were denied, as well as a summary of the reasons for which such petitions were denied.

(5) A description of any new charters issued by the eligible chartering authority during the year preceding the report.

(6) A description of any charters renewed by the eligible chartering authority during the year preceding the report.

(7) A description of any charters revoked by the eligible chartering authority during the year preceding the report.

(8) A description of any charters refused renewal by the eligible chartering authority during the year preceding the report.

(9) Any recommendations the eligible chartering authority has concerning ways to improve the administration of public charter schools.

SEC. 2212. CHARTER RENEWAL.

(a) TERM.—A charter granted to a public charter school shall remain in force for a 5-year period, but may be renewed for an unlimited number of times, each time for a 5-year period.

(b) APPLICATION FOR CHARTER RENEWAL.—In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days nor earlier than 365 days before the expiration of the charter. The application shall contain the following:

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter.

(2) All audited financial statements for the public charter school for the preceding 4 years.

(c) APPROVAL OF CHARTER RENEWAL APPLICATION.—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b), except that the eligible chartering authority shall not approve such application if the eligible chartering authority determines that—

(1) the school committed a material violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in its charter, including violations relating to the education of children with disabilities; or

(2) the school failed to meet the goals and student academic achievement expectations set forth in its charter.

(d) PROCEDURES FOR CONSIDERATION OF CHARTER RENEWAL.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board of Trustees written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later than 15 days after the date on which the eligible chartering authority received the application.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board of Trustees may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter—

(i) not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.

(B) REASONS FOR NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter shall state in its decision the reasons for denial.

(5) ALTERNATIVES UPON NONRENEWAL.—If an eligible chartering authority denies an application to renew a charter granted to a public charter school, the Board of Education may—

(A) manage the school directly until alternative arrangements can be made for students at the school; or

(B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the Board of Education, that directly relate to the grounds for the denial.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review by an appropriate court of the District of Columbia.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless

the decision is arbitrary and capricious or clearly erroneous.

SEC. 2213. CHARTER REVOCATION.

(a) CHARTER OR LAW VIOLATIONS.—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the eligible chartering authority determines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter, including violations relating to the education of children with disabilities.

(b) FISCAL MISMANAGEMENT.—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the eligible chartering authority determines that the school—

(1) has engaged in a pattern of nonadherence to generally accepted accounting principles;

(2) has engaged in a pattern of fiscal mismanagement; or

(3) is no longer economically viable.

(c) PROCEDURES FOR CONSIDERATION OF REVOCATION.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating the reasons for the proposed revocation. The notice shall inform the Board of Trustees of the right of the Board of Trustees to an informal hearing on the proposed revocation.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board of Trustees may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) REASONS FOR REVOCATION.—An eligible chartering authority that revokes a charter shall state in its decision the reasons for the revocation.

(5) ALTERNATIVES UPON REVOCATION.—If an eligible chartering authority revokes a charter granted to a public charter school, the Board of Education may manage the school directly until alternative arrangements can be made for students at the school.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review by an appropriate court of the District of Columbia.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2214. PUBLIC CHARTER SCHOOL BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the District of Columbia Government a Public Charter School Board (in this section referred to as the ''Board'').

(2) MEMBERSHIP.—The Secretary of Education shall present the Mayor a list of 15 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 7 individuals from the list to serve on the Board. The Secretary of Education shall recommend, and the Mayor shall appoint, members to serve on the Board so that a knowledge of each of the following areas is represented on the Board:

(A) Research about and experience in student learning, quality teaching, and evaluation of and accountability in successful schools.

(B) The operation of a financially sound enterprise, including leadership and management techniques, as well as the budgeting and accounting skills critical to the startup of a successful enterprise.

(C) The educational, social, and economic development needs of the District of Columbia.

(D) The needs and interests of students and parents in the District of Columbia, as well as methods of involving parents and other members of the community in individual schools.

(3) VACANCIES.—Any time there is a vacancy in the membership of the Board, the Secretary of Education shall present the Mayor a list of 3 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 1 individual from the list to serve on the Board. The Secretary shall recommend and the Mayor shall appoint, such member of the Board taking into consideration the criteria described in paragraph (2). Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of the term.

(4) TIME LIMIT FOR APPOINTMENTS.—If, at any time, the Mayor does not appoint members to the Board sufficient to bring the Board's membership to 7 within 30 days of receiving a recommendation from the Secretary of Education under paragraph (2) or (3), the Secretary shall make such appointments as are necessary to bring the membership of the Board to 7.

(5) TERMS OF MEMBERS.—

(A) IN GENERAL.—Members of the Board shall serve for terms of 4 years, except that, of the initial appointments made under paragraph (2), the Mayor shall designate—

(i) 2 members to serve terms of 3 years;

(ii) 2 members to serve terms of 2 years; and

(iii) 1 member to serve a term of 1 year.

(B) REAPPOINTMENT.—Members of the Board shall be eligible to be reappointed for one 4-year term beyond their initial term of appointment.

(6) INDEPENDENCE.—No person employed by the District of Columbia public schools or a public charter school shall be eligible to be a member of the Board or to be employed by the Board.

(b) OPERATIONS OF THE BOARD.—

(1) CHAIR.—The members of the Board shall elect from among their membership 1 individual to serve as Chair. Such election shall be held each year after members of the Board have been appointed to fill any vacancies caused by the regular expiration of previous members' terms, or when requested by a majority vote of the members of the Board.

(2) QUORUM.—A majority of the members of the Board, not including any positions that may be vacant, shall constitute a quorum sufficient for conducting the business of the Board.

(3) MEETINGS.—The Board shall meet at the call of the Chair, subject to the hearing requirements of sections 2203, 2212(d)(3), and 2213(c)(3).

(c) NO COMPENSATION FOR SERVICE.—Members of the Board shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Board.

(d) PERSONNEL AND RESOURCES.—

(1) IN GENERAL.—Subject to such rules as may be made by the Board, the Chair shall have the power to appoint, terminate, and fix the pay of an Executive Director and such other personnel of the Board as the Chair considers necessary, but no individual so appointed shall be paid in excess of the rate payable for level EG–16 of the Educational Service of the District of Columbia.

(2) SPECIAL RULE.—The Board is authorized to use the services, personnel, and facilities of the District of Columbia.

(e) EXPENSES OF BOARD.—Any expenses of the Board shall be paid from such funds as may be available to the Mayor: Provided, That within 45 days of the enactment of this Act the Mayor shall make available not less than $130,000 to the Board.

(f) AUDIT.—The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section and conducting the Board's functions required by this subtitle, there are authorized to be appropriated $300,000 for fiscal year 1997 and such sums as may be necessary for each of the 3 succeeding fiscal years.

SEC. 2215. FEDERAL ENTITIES.

(a) IN GENERAL.—The following Federal agencies and federally established entities are encouraged to explore whether it is feasible for the agency or entity to establish one or more public charter schools:

(1) The Library of Congress.

(2) The National Aeronautics and Space Administration.

(3) The Drug Enforcement Administration.

(4) The National Science Foundation.

(5) The Department of Justice.

(6) The Department of Defense.

(7) The Department of Education.

(8) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) REPORT.—Not later than 120 days after date of enactment of this Act, any agency or institution described in subsection (a) that has explored the feasibility of establishing a public charter school shall report its determination on the feasibility to the appropriate congressional committees.

Subtitle C—World Class Schools Task Force, Core Curriculum, Content Standards, Assessments, and Promotion Gates

PART 1—WORLD CLASS SCHOOLS TASK FORCE, CORE CURRICULUM, CONTENT STANDARDS, AND ASSESSMENTS

SEC. 2311. GRANT AUTHORIZED AND RECOMMENDATION REQUIRED.

(a) GRANT AUTHORIZED.—

(1) IN GENERAL.—The Superintendent is authorized to award a grant to a World Class Schools Task Force to enable such task force to make the recommendation described in subsection (b).

(2) DEFINITION.—For the purpose of this subtitle, the term ''World Class Schools Task Force'' means 1 nonprofit organization located in the District of Columbia that—

(A) has a national reputation for advocating content standards;

(B) has a national reputation for advocating a strong liberal arts curriculum;

(C) has experience with at least 4 urban school districts for the purpose of establishing content standards;

(D) has developed and managed professional development programs in science, mathematics, the humanities and the arts; and

(E) is governed by an independent board of directors composed of citizens with a variety of experiences in education and public policy.

(b) RECOMMENDATION REQUIRED.—

(1) IN GENERAL.—The World Class Schools Task Force shall recommend to the Superintendent, the Board of Education, and the District of Columbia Goals Panel the following:

(A) Content standards in the core academic subjects that are developed by working with the District of Columbia community, which standards shall be developed not later than 12 months after the date of enactment of this Act.

(B) A core curriculum developed by working with the District of Columbia community, which curriculum shall include the teaching of computer skills.

(C) Districtwide assessments for measuring student achievement in accordance with content standards developed under subparagraph (A). Such assessments shall be developed at several grade levels, including at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates under section 2321. To the extent feasible, such assessments shall, at a minimum, be designed to provide information that permits comparisons between—

(i) individual District of Columbia public schools and public charter schools; and

(ii) individual students attending such schools.

(D) Model professional development programs for teachers using the standards and curriculum developed under subparagraphs (A) and (B).

(2) SPECIAL RULE.—The World Class Schools Task Force is encouraged, to the extent practicable, to develop districtwide assessments described in paragraph (1)(C) that permit comparisons among—

(A) individual District of Columbia public schools and public charter schools, and individual students attending such schools; and

(B) students of other nations.

(c) CONTENT.—The content standards and assessments recommended under subsection (b) shall be judged by the World Class Schools Task Force to be world class, including having a level of quality and rigor, or being analogous to content standards and assessments of other States or nations (including nations whose students historically score high on international studies of student achievement).

(d) SUBMISSION TO BOARD OF EDUCATION FOR ADOPTION.—If the content standards, curriculum, assessments, and programs recommended under subsection (b) are approved by the Superintendent, the Superintendent may submit such content standards, curriculum, assessments, and programs to the Board of Education for adoption.

SEC. 2312. CONSULTATION.

The World Class Schools Task Force shall conduct its duties under this part in consultation with—

(1) the District of Columbia Goals Panel;

(2) officials of the District of Columbia public schools who have been identified by the Superintendent as having responsibilities relevant to this part, including the Deputy Superintendent for Curriculum;

(3) the District of Columbia community, with particular attention given to educators, and parent and business organizations; and

(4) any other persons or groups that the task force deems appropriate.

SEC. 2313. ADMINISTRATIVE PROVISIONS.

The World Class Schools Task Force shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) that are relevant to its duties under this part and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 2314. CONSULTANTS.

Upon the request of the World Class Schools Task Force, the head of any department or agency of the Federal Government may detail any of the personnel of such agency to such task force to assist such task force in carrying out such task force's duties under this part.

SEC. 2315. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 for fiscal year 1997 to carry out this part. Such funds shall remain available until expended.

PART 2—PROMOTION GATES

SEC. 2321. PROMOTION GATES.

(a) KINDERGARTEN THROUGH 4TH GRADE.—Not later than one year after the date of adoption in accordance with section 2311(d) of the assessments described in section 2311(b)(1)(C), the Superintendent shall establish and implement promotion gates for mathematics, reading, and writing, for not less than 1 grade level from kindergarten through grade 4, including at least grade 4, and shall establish dates for establishing such other promotion gates for other subject areas.

(b) 5TH THROUGH 8TH GRADES.—Not later than one year after the adoption in accordance with section 2311(d) of the assessments described in section 2311(b)(1)(C), the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from grade 5 through grade 8, including at least grade 8.

(c) 9TH THROUGH 12TH GRADES.—Not later than one year after the adoption in accordance with section 2311(d) of the assessments described in section 2311(b)(1)(C), the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from grade 9 through grade 12, including at least grade 12.

Subtitle D—Per Capita District of Columbia Public School and Public Charter School Funding

SEC. 2401. ANNUAL BUDGETS FOR SCHOOLS.

(a) IN GENERAL.—For fiscal year 1997 and for each subsequent fiscal year, the Mayor shall make annual payments from the general fund of the District of Columbia in accordance with the formula established under subsection (b).

(b) FORMULA.—

(1) IN GENERAL.—The Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall establish not later than 90 days after enactment of this Act, a formula to determine the amount of—

(A) the annual payment to the Board of Education for the operating expenses of the District of Columbia public schools, which for purposes of this paragraph includes the operating expenses of the Board of Education and the Office of the Superintendent; and

(B) the annual payment to each public charter school for the operating expenses of each public charter school.

(2) FORMULA CALCULATION.—Except as provided in paragraph (3), the amount of the annual payment under paragraph (1) shall be calculated by multiplying a uniform dollar amount used in the formula established under such paragraph by—

(A) the number of students calculated under section 2402 that are enrolled at District of Columbia public schools, in the case of the payment under paragraph (1)(A); or

(B) the number of students calculated under section 2402 that are enrolled at each public charter school, in the case of a payment under paragraph (1)(B).

(3) EXCEPTIONS.—

(A) FORMULA.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula to increase or decrease the amount of the annual payment to the District of Columbia public schools or each public charter school based on a calculation of—

(i) the number of students served by such schools in certain grade levels; and

(ii) the cost of educating students at such certain grade levels.

(B) PAYMENT.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the amount of the annual payment under paragraph (1) to increase the amount of such payment if a District of Columbia public school or a public charter school serves a high number of students—

(i) with special needs; or

(ii) who do not meet minimum literacy standards.

SEC. 2402. CALCULATION OF NUMBER OF STUDENTS.

(a) SCHOOL REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than September 15, 1996, and not later than September 15 of each year thereafter, each District of Columbia public school and public charter school shall submit a report to the Mayor and the Board of Education containing the information described in subsection (b) that is applicable to such school.

(2) SPECIAL RULE.—Not later than April 1, 1997, and not later than April 1 of each year thereafter, each public charter school shall submit a report in the same form and manner as described in paragraph (1) to ensure accurate payment under section 2403(a)(2)(B)(ii).

(b) CALCULATION OF NUMBER OF STUDENTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall calculate the following:

(1) The number of students, including nonresident students and students with special needs, enrolled in each grade from kindergarten through grade 12 of the District of Columbia public schools and in public charter schools, and the number of students whose tuition for enrollment in other schools is paid for with funds available to the District of Columbia public schools.

(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1).

(3) The number of students, including nonresident students, enrolled in preschool and prekindergarten in the District of Columbia public schools and in public charter schools.

(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3).

(5) The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools.

(6) The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5).

(7) The number of students, including nonresident students, enrolled in nongrade level programs in District of Columbia public schools and in public charter schools.

(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).

(c) ANNUAL REPORTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Consensus Commission, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b).

(d) AUDIT OF INITIAL CALCULATIONS.—

(1) IN GENERAL.—The Board of Education shall arrange with the Authority to provide for the conduct of an independent audit of the initial calculations described in subsection (b).

(2) CONDUCT OF AUDIT.—In conducting the audit, the independent auditor—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (c); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—

(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools, and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) SUBMISSION OF AUDIT.—Not later than 45 days, or as soon thereafter as is practicable, after the date on which the Authority receives the initial annual report from the Board of Education under subsection (c), the Authority shall submit to the Board of Education, the Mayor, the District of Columbia Council, and the appropriate congressional committees, the audit conducted under this subsection.

(4) COST OF THE AUDIT.—The Board of Education shall reimburse the Authority for the cost of the independent audit, solely from amounts appropriated to the Board of Education for staff, stipends, and other-than-personal-services of the Board of Education by an Act making appropriations for the District of Columbia.

SEC. 2403. PAYMENTS.

(a) IN GENERAL.—

(1) ESCROW FOR PUBLIC CHARTER SCHOOLS.—Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of an Act making appropriations for the District of Columbia for such fiscal year, the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2401(b)(1)(B) for use only by District of Columbia public charter schools.

(2) TRANSFER OF ESCROW FUNDS.—

(A) INITIAL PAYMENT.—Not later than October 15, 1996, and not later than October 15 of each year thereafter, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to section 2401(b) to a bank designated by such school.

(B) FINAL PAYMENT.—

(i) Except as provided in clause (ii), not later than May 1, 1997, and not later than May 1 of each year thereafter, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner as the initial payment was made under subparagraph (A).

(ii) Not later than March 15, 1997, and not later than March 15 of each year thereafter, if the enrollment number of a public charter school has changed from the number reported to the Mayor and the Board of Education, as required under section 2402(a), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled in such school in excess of such enrollment number, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of such school below such enrollment number.

(C) PRO RATA REDUCTION OR INCREASE IN PAYMENTS.—

(i) PRO RATA REDUCTION.—If the funds made available to the District of Columbia Government for the District of Columbia public school system and each public charter school for any fiscal year are insufficient to pay the full amount that such system and each public charter school is eligible to receive under this subtitle for such year, the Mayor shall ratably reduce such amounts for such year on the basis of the formula described in section 2401(b).

(ii) INCREASE.—If additional funds become available for making payments under this subtitle for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts were reduced.

(D) UNEXPENDED FUNDS.—Any funds that remain in the escrow account for public charter schools on September 30 of a fiscal year shall revert to the general fund of the District of Columbia.

(b) EXCEPTION FOR NEW SCHOOLS.—

(1) AUTHORIZATION.—There are authorized to be appropriated $200,000 for each fiscal year to carry out this subsection.

(2) DISBURSEMENT TO MAYOR.—The Secretary of the Treasury shall make available and disburse to the Mayor, not later than August 1 of each of the fiscal years 1996 through 2000, such funds as have been appropriated under paragraph (1).

(3) ESCROW.—The Mayor shall place in escrow, for use by public charter schools, any sum disbursed under paragraph (2) and not paid under paragraph (4).

(4) PAYMENTS TO SCHOOLS.—The Mayor shall pay to public charter schools described in paragraph (5), in accordance with this subsection, any sum disbursed under paragraph (2).

(5) SCHOOLS DESCRIBED.—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (1); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (1).

(6) FORMULA.—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying $6,300 by 1/12 of the total anticipated enrollment as set forth in the petition to establish the public charter school; and

(B) 1997 THROUGH 2000.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in any of fiscal years 1997 through 2000 shall be calculated by multiplying the uniform dollar amount used in the formula established under section 2401(b) by 1/12 of the total anticipated enrollment as set forth in the petition to establish the public charter school.

(7) PAYMENT TO SCHOOLS.—

(A) TRANSFER.—On September 1 of each of the years 1996 through 2000, the Mayor shall transfer, by electronic funds transfer, the amount determined under paragraph (6) for each public charter school from the escrow account established under subsection (a) to a bank designated by each such school.

(B) PRO RATA AND REMAINING FUNDS.—Subparagraphs (C) and (D) of subsection (a)(2) shall apply to payments made under this subsection, except that for purposes of this subparagraph references to District of Columbia public schools in such subparagraphs (C) and (D) shall be read to refer to public charter schools.

Subtitle E—School Facilities Repair and Improvement

SEC. 2550. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''facilities'' means buildings, structures, and real property of the District of Columbia public schools, except that such term does not include any administrative office building that is not located in a building containing classrooms; and

(2) the term ''repair and improvement'' includes administration, construction, and renovation.

PART 1—SCHOOL FACILITIES

SEC. 2551. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act the Administrator of the General Services Administration shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the ''Agreement'') with the Superintendent regarding the terms under which the Administrator will provide technical assistance and related services with respect to District of Columbia public schools facilities management in accordance with this section.

(b) TECHNICAL ASSISTANCE AND RELATED SERVICES.—The technical assistance and related services described in subsection (a) shall include—

(1) the Administrator consulting with and advising District of Columbia public school personnel responsible for public schools facilities management, including repair and improvement with respect to facilities management of such schools;

(2) the Administrator assisting the Superintendent in developing a systemic and comprehensive facilities revitalization program, for the repair and improvement of District of Columbia public school facilities, which program shall—

(A) include a list of facilities to be repaired and improved in a recommended order of priority;

(B) provide the repair and improvement required to support modern technology; and

(C) take into account the Preliminary Facilities Master Plan 2005 (prepared by the Superintendent's Task Force on Education Infrastructure for the 21st Century);

(3) the method by which the Superintendent will accept donations of private goods and services for use by the District of Columbia public schools without regard to any law or regulation of the District of Columbia;

(4) the Administrator recommending specific repair and improvement projects in District of Columbia public school facilities to the Superintendent that are appropriate for completion by members and units of the National Guard and the Reserves in accordance with the program developed under paragraph (2);

(5) upon the request of the Superintendent, the Administrator assisting the appropriate District of Columbia public school officials in the preparation of an action plan for the performance of any repair and improvement recommended in the program developed under paragraph (2), which action plan shall detail the technical assistance and related services the Administrator proposes to provide in the accomplishment of the repair and improvement;

(6) upon the request of the Superintendent, and if consistent with the efficient use of resources as determined by the Administrator, the coordination of the accomplishment of any repair and improvement in accordance with the action plan prepared under paragraph (5), except that in carrying out this paragraph, the Administrator shall not be subject to the requirements of title III of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq., and 41 U.S.C. 251 et seq.), the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), nor shall such action plan be subject to review under the bid protest procedures described in sections 3551 through 3556 of title 31, United States Code, or the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.);

(7) providing access for the Administrator to all District of Columbia public school facilities as well as permitting the Administrator to request and obtain any record or document regarding such facilities as the Administrator determines necessary, except that any such record or document shall not become a record (as defined in section 552a of title 5, United States Code) of the General Services Administration; and

(8) the Administrator making recommendations regarding how District of Columbia public school facilities may be used by the District of Columbia community for multiple purposes.

(c) AGREEMENT PROVISIONS.—The Agreement shall include—

(1) the procedures by which the Superintendent and Administrator will consult with respect to carrying out this section, including reasonable time frames for such consultation;

(2) the scope of the technical assistance and related services to be provided by the General Services Administration in accordance with this section;

(3) assurances by the Administrator and the Superintendent to cooperate with each other in any way necessary to ensure implementation of the Agreement, including assurances that funds available to the District of Columbia shall be used to pay the obligations of the District of Columbia public school system that are incurred as a result of actions taken under, or in furtherance of, the Agreement, in addition to funds available to the Administrator for purposes of this section; and

(4) the duration of the Agreement, except that in no event shall the Agreement remain in effect later than the day that is 24 months after the date that the Agreement is signed, or the day that the agency designated pursuant to section 2552(a)(2) assumes responsibility for the District of Columbia public school facilities, whichever day is earlier.

(d) LIMITATION ON ADMINISTRATOR'S LIABILITY.—No claim, suit, or action may be brought against the Administrator in connection with the discharge of the Administrator's responsibilities under this subtitle.

(e) SPECIAL RULE.—Notwithstanding any other provision of law, the Administrator is authorized to accept and use a conditioned gift made for the express purpose of repairing or improving a District of Columbia public school, except that the Administrator shall not be required to carry out any repair or improvement under this section unless the Administrator accepts a donation of private goods or services sufficient to cover the costs of such repair or improvement.

(f) EFFECTIVE DATE.—This subtitle shall cease to be effective on the earlier day specified in subsection (c)(4).

SEC. 2552. FACILITIES REVITALIZATION PROGRAM.

(a) PROGRAM.—Not later than 12 months after the date of enactment of this Act, the Mayor and the District of Columbia Council in consultation with the Administrator, the Authority, the Board of Education, and the Superintendent, shall—

(1) design and implement a comprehensive long-term program for the repair and improvement, and maintenance and management, of the District of Columbia public school facilities, which program shall incorporate the work completed in accordance with the program described in section 2551(b)(2); and

(2) designate a new or existing agency or authority within the District of Columbia Government to administer such program.

(b) PROCEEDS.—Such program shall include—

(1) identifying short-term funding for capital and maintenance of facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and

(2) identifying and designating long-term funding for capital and maintenance of facilities.

(c) IMPLEMENTATION.—Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) shall assume authority and responsibility for the repair and improvement, and maintenance and management, of District of Columbia public schools.

PART 2—WAIVERS

SEC. 2561. WAIVERS.

(a) IN GENERAL.—

(1) REQUIREMENTS WAIVED.—Subject to subsection (b), all District of Columbia fees and all requirements contained in the document entitled ''District of Columbia Public Schools Standard Contract Provisions'' (as such document was in effect on November 2, 1995 and including any revisions or modifications to such document) published by the District of Columbia public schools for use with construction or maintenance projects, are waived, for purposes of repair and improvement of District of Columbia public schools facilities for a period beginning on the date of enactment of this Act and ending 24 months after such date.

(2) DONATIONS.—Any individual may volunteer his or her services or may donate materials to a District of Columbia public school facility for the repair and improvement of such facility provided that the provision of voluntary services meets the requirements of 29 U.S.C. 203(e)(4).

(b) LIMITATION.—A waiver under subsection (a) shall not apply to requirements under 40 U.S.C. 276a–276a–7.

PART 3—GIFTS, DONATIONS, BEQUESTS, AND DEVISES

SEC. 2571. GIFTS, DONATIONS, BEQUESTS, AND DEVISES.

(a) IN GENERAL.—A District of Columbia public school or a public charter school may accept directly from any person a gift, donation, bequest, or devise of any property, real or personal, without regard to any law or regulation of the District of Columbia.

(b) TAX LAWS.—For the purposes of the income tax, gift tax, and estate tax laws of the Federal Government, any money or other property given, donated, bequeathed, or devised to a District of Columbia public school or a public charter school, shall be deemed to have been given, donated, bequeathed, or devised to or for the use of the District of Columbia.

Subtitle F—Partnerships With Business

SEC. 2601. PURPOSE.

The purpose of this subtitle is—

(1) to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology;

(2) to establish a regional job training and employment center;

(3) to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools;

(4) to coordinate private sector investments in carrying out this title; and

(5) to assist the Superintendent with the development of individual career paths in accordance with the long-term reform plan.

SEC. 2602. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

The Superintendent is authorized to provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2603 for the purposes of carrying out the duties under sections 2604 and 2607.

SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

A private, nonprofit corporation shall be eligible to receive a grant under section 2602 if the corporation is a national business organization incorporated in the District of Columbia, that—

(1) has a board of directors which includes members who are also chief executive officers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational agencies throughout the United States with respect to the integration of academic studies with workforce preparation programs; and

(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.

SEC. 2604. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.

(a) DISTRICT EDUCATION AND LEARNING TECHNOLOGIES ADVANCEMENT COUNCIL.—

(1) ESTABLISHMENT—The private, nonprofit corporation shall establish a council to be known as the ''District Education and Learning Technologies Advancement Council'' (in this subtitle referred to as the ''council'').

(2) MEMBERSHIP.—

(A) IN GENERAL.—The private, nonprofit corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) COMPENSATION.—Members of the council shall serve without compensation.

(3) DUTIES.—The council—

(A) shall advise the private, nonprofit corporation with respect to the duties of the corporation under subsections (b) through (d) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the purpose of carrying out such duties.

(b) ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.—

(1) IN GENERAL—The private, nonprofit corporation, in conjunction with the Superintendent, students, parents, and teachers, shall establish and implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(2) ELECTRONIC DATA TRANSFER SYSTEM.—The private, nonprofit corporation shall assist the Superintendent in acquiring the necessary equipment, including computer hardware and software, to establish an electronic data transfer system. The private, nonprofit corporation shall also assist in arranging for training of District of Columbia public school employees in using such equipment.

(3) TECHNOLOGY ASSESSMENT.—

(A) IN GENERAL.—In establishing and implementing the strategies under paragraph (1), the private, nonprofit corporation, not later than September 1, 1996, shall provide for an assessment of the availability, on the date of enactment of this Act, of state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(B) CONDUCT OF ASSESSMENT.—In providing for the assessment under subparagraph (A), the private, nonprofit corporation—

(i) shall provide for onsite inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.

(C) RESULTS OF ASSESSMENT.—The private, nonprofit corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools, including—

(i) the extent to which typical District of Columbia public schools have access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;

(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology;

(iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and

(v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(4) SHORT-TERM TECHNOLOGY PLAN.—

(A) IN GENERAL.—Based upon the results of the technology assessment under paragraph (3), the private, nonprofit corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-

of-the-art educational technology within the District of Columbia public schools and public charter schools.

(B) IMPLEMENTATION.—The private, nonprofit corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A).

(5) LONG-TERM TECHNOLOGY PLAN.—Prior to the completion of the implementation of the short-term technology plan under paragraph (4), the private, nonprofit corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(c) DISTRICT EMPLOYMENT AND LEARNING CENTER.—

(1) ESTABLISHMENT.—The private, nonprofit corporation shall establish a center to be known as the ''District Employment and Learning Center'' (in this subtitle referred to as the ''center''), which shall serve as a regional institute providing job training and employment assistance.

(2) DUTIES.—

(A) JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAM.—The center shall establish a program to provide job training and employment assistance in the District of Columbia and shall coordinate with career preparation programs in existence on the date of enactment of this Act, such as vocational education, school-to-work, and career academies in the District of Columbia public schools.

(B) CONDUCT OF PROGRAM.—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of 18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;

(ii) shall work to establish partnerships and enter into agreements with appropriate agencies of the District of Columbia Government to serve individuals participating in appropriate Federal programs, including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.), the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.);

(iii) shall conduct such job training, as appropriate, through a consortium of colleges, universities, community colleges, businesses, and other appropriate providers, in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportunities and facilitate access by students to work-based learning and work experience through temporary work assignments with employers in the District of Columbia metropolitan area.

(C) COMPENSATION.—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include need-based payments and reimbursement of expenses.

(d) WORKFORCE PREPARATION INITIATIVES.—

(1) IN GENERAL.—The private, nonprofit corporation shall establish initiatives with the District of Columbia public schools, and public charter schools, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) CONDUCT OF INITIATIVES.—In carrying out the initiatives under paragraph (1), the private, nonprofit corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as such programs are established in certain District of Columbia public schools, which provide a school-within-a-school concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

SEC. 2605. MATCHING FUNDS.

The private, nonprofit corporation, to the extent practicable, shall provide matching funds, or in-kind contributions, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2604, as follows:

(1) For fiscal year 1997, the nonprofit corporation shall provide matching funds or in-kind contributions of $1 for every $1 of Federal funds provided under this subtitle for such year for activities under section 2604.

(2) For fiscal year 1998, the nonprofit corporation shall provide matching funds or in-kind contributions of $3 for every $1 of Federal funds provided under this subtitle for such year for activities under section 2604.

(3) For fiscal year 1999, the nonprofit corporation shall provide matching funds or in-kind contributions of $5 for every $1 of Federal funds provided under this subtitle for such year for activities under section 2604.

SEC. 2606. REPORT.

The private, nonprofit corporation shall prepare and submit to the appropriate congressional committees on a quarterly basis, or, with respect to fiscal year 1997, on a semiannual basis, a report which shall contain—

(1) the activities the corporation has carried out, including the duties of the corporation described in section 2604, for the 3-month period ending on the date of the submission of the report, or, with respect to fiscal year 1997, the 6-month period ending on the date of the submission of the report;

(2) an assessment of the use of funds or other resources donated to the corporation;

(3) the results of the assessment carried out under section 2604(b)(3); and

(4) a description of the goals and priorities of the corporation for the 3-month period beginning on the date of the submission of the report, or, with respect to fiscal year 1997, the 6-month period beginning on the date of the submission of the report.

SEC. 2607. JOBS FOR D.C. GRADUATES PROGRAM.

(a) IN GENERAL.—The nonprofit corporation shall establish a program, to be known as the ''Jobs for D.C. Graduates Program'', to assist District of Columbia public schools and public charter schools in organizing and implementing a school-to-work transition system, which system shall give priority to providing assistance to at-risk youths and disadvantaged youths.

(b) CONDUCT OF PROGRAM.—In carrying out the program established under subsection (a), the nonprofit corporation, consistent with the policies of the nationally recognized Jobs for America's Graduates, Inc., shall—

(1) establish performance standards for such program;

(2) provide ongoing enhancement and improvements in such program;

(3) provide research and reports on the results of such program; and

(4) provide preservice and inservice training.

SEC. 2608. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) DELTA COUNCIL; ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY; AND WORKFORCE PREPARATION INITIATIVES.—There are authorized to be appropriated to carry out subsections (a), (b), and (d) of section 2604, $1,000,000 for each of the fiscal years 1997, 1998, and 1999.

(2) DEAL CENTER.—There are authorized to be appropriated to carry out section 2604(c), $2,000,000 for each of the fiscal years 1997, 1998, and 1999.

(3) JOBS FOR D.C. GRADUATES PROGRAM.—There are authorized to be appropriated to carry out section 2607—

(A) $2,000,000 for fiscal year 1997; and

(B) $3,000,000 for each of the fiscal years 1998 through 2001.

(b) AVAILABILITY.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 2609. TERMINATION OF FEDERAL SUPPORT; SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.

(a) TERMINATION OF FEDERAL SUPPORT.—The authority under this subtitle to provide assistance to the private, nonprofit corporation or any other entity established pursuant to this subtitle shall terminate on October 1, 1999.

(b) SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.—It is the sense of the Congress that—

(1) the activities of the private, nonprofit corporation under section 2604 should continue to be carried out after October 1, 1999, with resources made available from the private sector; and

(2) the corporation should provide oversight and coordination for such activities after such date.

Subtitle G—Management and Fiscal Accountability; Preservation of School-Based Resources

SEC. 2751. MANAGEMENT SUPPORT SYSTEMS.

(a) FOOD SERVICES AND SECURITY SERVICES.—Notwithstanding any other law, rule, or regulation, the Board of Education shall enter into a contract for academic year 1995–1996 and each succeeding academic year, for the provision of all food services operations and security services for the District of Columbia public schools, unless the Superintendent determines that it is not feasible and provides the Superintendent's reasons in writing to the Board of Education and the Authority.

(b) DEVELOPMENT OF NEW MANAGEMENT AND DATA SYSTEMS.—Notwithstanding any other law, rule, or regulation, the Board of Education shall, in academic year 1995–1996, consult with the Authority on the development of new management and data systems, as well as training of personnel to use and manage the systems in areas of budget, finance, personnel and human resources, management information services, procurement, supply management, and other systems recommended by the Authority. Such plans shall be consistent with, and contemporaneous to, the District of Columbia Government's development and implementation of a replacement for the financial management system for the District of Columbia Government in use on the date of enactment of this Act.

SEC. 2752. ACCESS TO FISCAL AND STAFFING DATA.

(a) IN GENERAL.—The budget, financial-accounting, personnel, payroll, procurement, and management information systems of the District of Columbia public schools shall be coordinated and interface with related systems of the District of Columbia Government.

(b) ACCESS.—The Board of Education shall provide read-only access to its internal financial management systems and all other data bases to designated staff of the Mayor, the Council, the Authority, and appropriate congressional committees.

SEC. 2753. DEVELOPMENT OF FISCAL YEAR 1997 BUDGET REQUEST.

(a) IN GENERAL.—The Board of Education shall develop its fiscal year 1997 gross operating

budget and its fiscal year 1997 appropriated funds budget request in accordance with this section.

(b) FISCAL YEAR 1996 BUDGET REVISION.—Not later than 60 days after enactment of this Act, the Board of Education shall develop, approve, and submit to the Mayor, the District of Columbia Council, the Authority, and appropriate congressional committees, a revised fiscal year 1996 gross operating budget that reflects the amount appropriated in the District of Columbia Appropriations Act, 1996, and which—

(1) is broken out on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object; and

(2) indicates by position title, grade, and agency reporting code, all staff allocated to each District of Columbia public school as of October 15, 1995, and indicates on an object class basis all other-than-personal-services financial resources allocated to each school.

(c) ZERO-BASE BUDGET.—For fiscal year 1997, the Board of Education shall build its gross operating budget and appropriated funds request from a zero-base, starting from the local school level through the central office level.

(d) SCHOOL-BY-SCHOOL BUDGETS.—The Board of Education's initial fiscal year 1997 gross operating budget and appropriated funds budget request submitted to the Mayor, the District of Columbia Council, and the Authority shall contain school-by-school budgets and shall also—

(1) be broken out on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object;

(2) indicate by position title, grade, and agency reporting code all staff budgeted for each District of Columbia public school, and indicate on an object class basis all other-than-personal-services financial resources allocated to each school; and

(3) indicate the amount and reason for all changes made to the initial fiscal year 1997 gross operating budget and appropriated funds request from the revised fiscal year 1996 gross operating budget required by subsection (b).

SEC. 2754. TECHNICAL AMENDMENTS.

Section 1120A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6322) is amended—

(1) in subsection (b)(1), by—

(A) striking ''(A) Except as provided in subparagraph (B), a State'' and inserting ''A State''; and

(B) striking subparagraph (B); and

(2) by adding at the end thereof the following new subsection:

''(d) EXCLUSION OF FUNDS.—For the purpose of complying with subsections (b) and (c), a State or local educational agency may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purposes of this part.''.

SEC. 2755. EVEN START FAMILY LITERACY PROGRAMS.

Part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended—

(a) in section 1204(a) (20 U.S.C. 6364(a)), by inserting ''intensive'' after ''cost of providing''; and

(b) in section 1205(4) (20 U.S.C. 6365(4)), by inserting '', intensive'' after ''high-quality''.

SEC. 2756. PRESERVATION OF SCHOOL-BASED STAFF POSITIONS.

(a) RESTRICTIONS ON REDUCTIONS OF SCHOOL-BASED EMPLOYEES.—To the extent that a reduction in the number of full-time equivalent positions for the District of Columbia public schools is required to remain within the number of full-time equivalent positions established for the public schools in appropriations Acts, no reductions shall be made from the full-time equivalent positions for school-based teachers, principals, counselors, librarians, or other school-based educational positions that were established as of the end of fiscal year 1995, unless the Authority makes a determination based on student enrollment that—

(1) fewer school-based positions are needed to maintain established pupil-to-staff ratios; or

(2) reductions in positions for other than school-based employees are not practicable.

(b) DEFINITION.—The term ''school-based educational position'' means a position located at a District of Columbia public school or other position providing direct support to students at such a school, including a position for a clerical, stenographic, or secretarial employee, but not including any part-time educational aide position.

Subtitle H—Establishment and Organization of the Commission on Consensus Reform in the District of Columbia Public Schools

SEC. 2851. COMMISSION ON CONSENSUS REFORM IN THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the District of Columbia Government a Commission on Consensus Reform in the District of Columbia Public Schools, consisting of 7 members to be appointed in accordance with paragraph (2).

(2) MEMBERSHIP.—The Consensus Commission shall consist of the following members:

(A) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Majority Leader of the Senate.

(B) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Speaker of the House of Representatives.

(C) 2 members to be appointed by the President, of which 1 shall represent the local business community and 1 of which shall be a teacher in a District of Columbia public school.

(D) The President of the District of Columbia Congress of Parents and Teachers.

(E) The President of the Board of Education.

(F) The Superintendent.

(G) The Mayor and District of Columbia Council Chairman shall each name 1 nonvoting ex officio member.

(H) The Chief of the National Guard Bureau who shall be an ex officio member.

(3) TERMS OF SERVICE.—The members of the Consensus Commission shall serve for a term of 3 years.

(4) VACANCIES.—Any vacancy in the membership of the Consensus Commission shall be filled by the appointment of a new member in the same manner as provided for the vacated membership. A member appointed under this paragraph shall serve the remaining term of the vacated membership.

(5) QUALIFICATIONS.—Members of the Consensus Commission appointed under subparagraphs (A), (B), and (C) of paragraph (2) shall be residents of the District of Columbia and shall have a knowledge of public education in the District of Columbia.

(6) CHAIR.—The Chair of the Consensus Commission shall be chosen by the Consensus Commission from among its members, except that the President of the Board of Education and the Superintendent shall not be eligible to serve as Chair.

(7) NO COMPENSATION FOR SERVICE.—Members of the Consensus Commission shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Consensus Commission.

(b) EXECUTIVE DIRECTOR.—The Consensus Commission shall have an Executive Director who shall be appointed by the Chair with the consent of the Consensus Commission. The Executive Director shall be paid at a rate determined by the Consensus Commission, except that such rate may not exceed the highest rate of pay payable for level EG–16 of the Educational Service of the District of Columbia.

(c) STAFF.—With the approval of the Chair and the Authority, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director.

(d) SPECIAL RULE.—The Board of Education, or the Authority, shall reprogram such funds, as the Chair of the Consensus Commission shall in writing request, subject to the approval of the Authority from amounts available to the Board of Education.

SEC. 2852. PRIMARY PURPOSE AND FINDINGS.

(a) PURPOSE.—The primary purpose of the Consensus Commission is to assist in developing a long-term reform plan that has the support of the District of Columbia community through the participation of representatives of various critical segments of such community in helping to develop and approve the plan.

(b) FINDINGS.—The Congress finds that—

(1) experience has shown that the failure of the District of Columbia educational system has been due more to the failure to implement a plan than the failure to develop a plan;

(2) national studies indicate that 50 percent of secondary school graduates lack basic literacy skills, and over 30 percent of the 7th grade students in the District of Columbia public schools drop out of school before graduating;

(3) standard student assessments indicate only average performance for grade level and fail to identify individual students who lack basic skills, allowing too many students to graduate lacking these basic skills and diminishing the worth of a diploma;

(4) experience has shown that successful schools have good community, parent, and business involvement;

(5) experience has shown that reducing dropout rates in the critical middle and secondary school years requires individual student involvement and attention through such activities as arts or athletics; and

(6) experience has shown that close coordination between educators and business persons is required to provide noncollege-bound students the skills necessary for employment, and that personal attention is vitally important to assist each student in developing an appropriate career path.

SEC. 2853. DUTIES AND POWERS OF THE CONSENSUS COMMISSION.

(a) PRIMARY RESPONSIBILITY.—The Board of Education and the Superintendent shall have primary responsibility for developing and implementing the long-term reform plan for education in the District of Columbia.

(b) DUTIES.—The Consensus Commission shall—

(1) identify any obstacles to implementation of the long-term reform plan and suggest ways to remove such obstacles;

(2) assist in developing programs that—

(A) ensure every student in a District of Columbia public school achieves basic literacy skills;

(B) ensure every such student possesses the knowledge and skills necessary to think critically and communicate effectively by the completion of grade 8; and

(C) lower the dropout rate in the District of Columbia public schools;

(3) assist in developing districtwide assessments, including individual assessments, that identify District of Columbia public school students who lack basic literacy skills, with particular attention being given to grade 4 and the middle school years, and establish procedures to ensure that a teacher is made accountable for the performance of every such student in such teacher's class;

(4) make recommendations to improve community, parent, and business involvement in District of Columbia public schools and public charter schools;

(5) assess opportunities in the District of Columbia to increase individual student involvement and attention through such activities as arts or athletics, and make recommendations on how to increase such involvement; and

(6) assist in the establishment of procedures that ensure every District of Columbia public school student is provided the skills necessary for employment, including the development of individual career paths.

(c) POWERS.—The Consensus Commission shall have the following powers:

(1) To monitor and comment on the development and implementation of the long-term reform plan.

(2) To exercise its authority, as provided in this subtitle, as necessary to facilitate implementation of the long-term reform plan.

(3) To review and comment on the budgets of the Board of Education, the District of Columbia public schools and public charter schools.

(4) To recommend rules concerning the management and direction of the Board of Education that address obstacles to the development or implementation of the long-term reform plan.

(5) To review and comment on the core curriculum for kindergarten through grade 12 developed under subtitle C.

(6) To review and comment on a core curriculum for prekindergarten, vocational and technical training, and adult education.

(7) To review and comment on all other educational programs carried out by the Board of Education and public charter schools.

(8) To review and comment on the districtwide assessments for measuring student achievement in the core curriculum developed under subtitle C.

(9) To review and comment on the model professional development programs for teachers using the core curriculum developed under subtitle C.

(d) LIMITATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subtitle, the Consensus Commission shall have no powers to involve itself in the management or operation of the Board of Education with respect to the implementation of the long-term reform plan.

SEC. 2854. IMPROVING ORDER AND DISCIPLINE.

(a) COMMUNITY SERVICE REQUIREMENT FOR SUSPENDED STUDENTS.—

(1) IN GENERAL.—Any student suspended from classes at a District of Columbia public school who is required to serve the suspension outside the school shall perform community service for the period of suspension. The community service required by this subsection shall be subject to rules and regulations promulgated by the Mayor.

(2) EFFECTIVE DATE.—This subsection shall take effect on the first day of the 1996–1997 academic year.

(b) EXPIRATION DATE.—This section, and sections 2101(b)(1)(K) and 2851(a)(2)(H), shall cease to be effective on the last day of the 1997–1998 academic year.

(c) REPORT.—The Consensus Commission shall study the effectiveness of the policies implemented pursuant to this section in improving order and discipline in District of Columbia public schools and report its findings to the appropriate congressional committees not later than 60 days prior to the last day of the 1997–1998 academic year.

SEC. 2855. EDUCATIONAL PERFORMANCE AUDITS.

(a) IN GENERAL.—The Consensus Commission may examine and request the Inspector General of the District of Columbia or the Authority to audit the records of the Board of Education to ensure, monitor, and evaluate the performance of the Board of Education with respect to compliance with the long-term reform plan and such plan's overall educational achievement. The Consensus Commission shall conduct an annual review of the educational performance of the Board of Education with respect to meeting the goals of such plan for such year. The Board of Education shall cooperate and assist in the review or audit as requested by the Consensus Commission.

(b) AUDIT.—The Consensus Commission may examine and request the Inspector General of the District of Columbia or the Authority to audit the records of any public charter school to assure, monitor, and evaluate the performance of the public charter school with respect to the content standards and districtwide assessments described in section 2311(b). The Consensus Commission shall receive a copy of each public charter school's annual report.

SEC. 2856. INVESTIGATIVE POWERS.

The Consensus Commission may investigate any action or activity which may hinder the progress of any part of the long-term reform plan. The Board of Education shall cooperate and assist the Consensus Commission in any investigation. Reports of the findings of any such investigation shall be provided to the Board of Education, the Superintendent, the Mayor, the District of Columbia Council, the Authority, and the appropriate congressional committees.

SEC. 2857. RECOMMENDATIONS OF THE CONSENSUS COMMISSION.

(a) IN GENERAL.—The Consensus Commission may at any time submit recommendations to the Board of Education, the Mayor, the District of Columbia Council, the Authority, the Board of Trustees of any public charter school and the Congress with respect to actions the District of Columbia Government or the Federal Government should take to ensure implementation of the long-term reform plan.

(b) AUTHORITY ACTIONS.—Pursuant to the District of Columbia Financial Responsibility and Management Assistance Act of 1995 or upon the recommendation of the Consensus Commission, the Authority may take whatever actions the Authority deems necessary to ensure the implementation of the long-term reform plan.

SEC. 2858. EXPIRATION DATE.

Except as otherwise provided in this subtitle, this subtitle shall be effective during the period beginning on the date of enactment of this Act and ending 7 years after such date.

Subtitle I—Parent Attendance at Parent-Teacher Conferences

SEC. 2901. POLICY.

Notwithstanding any other provision of law, the Mayor is authorized to develop and implement a policy encouraging all residents of the District of Columbia with children attending a District of Columbia public school to attend and participate in at least one parent-teacher conference every 90 days during the academic year.

This title may be cited as the ''District of Columbia School Reform Act of 1995''.

(c) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $567,453,000, to remain available until expended, of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150), and of which $4,000,000 shall be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–6a(i)): Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors; and in addition, $27,650,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $567,453,000: Provided further, That in addition to funds otherwise available, and to remain available until expended, not to exceed $5,000,000 from annual mining claim fees shall be credited to this account for the costs of administering the mining claim fee program, and $2,000,000 from communication site rental fees established by the Bureau.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, emergency presuppression, suppression operations, emergency rehabilitation, and renovation or construction of fire facilities in the Department of the Interior, $235,924,000, to remain available until expended, of which not to exceed $5,025,000, shall be available for the renovation or construction of fire facilities: Provided, That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the Fire Protection and Emergency Department of the Interior Firefighting Fund may be transferred or merged with this appropriation.

CENTRAL HAZARDOUS MATERIALS FUND

For expenses necessary for use by the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to sections 107 or 113(f) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9607 or 9613(f)), shall be credited to this account and shall be available without further appropriation and shall remain available until expended: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary of the Interior and which shall be credited to this account.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $3,115,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–07), $113,500,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, $12,800,000 to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $97,452,000, to remain available until expended: Provided, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $9,113,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93–153, to be immediately available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: Provided further, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, $501,010,000, to remain available for obligation until September 30, 1997, of which $4,000,000 shall be available for activities under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), of which $11,557,000 shall be available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River: Provided, That unobligated and unexpended balances in the Resource Management account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 Resource Management appropriation, and shall remain available for obligation until September 30, 1997: Provided further, That no monies appropriated under this or any other Act shall be used by the Secretary of the Interior or by the Secretary of Commerce to implement subsections (a), (b), (c), (e), (g) or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), until such time as legislation reauthorizing the Act is enacted or until the end of fiscal year 1996, whichever is earlier, except that monies may be used to delist or reclassify species pursuant to sections 4(a)(2)(B), 4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Endangered Species Act, and to issue emergency listings under section 4(b)(7) of the Endangered Species Act: Provided further, That the President is authorized to suspend the provisions of the preceeding proviso if he determines that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, or protection of any cultural, biological or historic resources. Any suspension by the President shall take effect on such date, and continue in effect for such period (not to extend beyond the period in which the preceeding proviso would otherwise be in effect), as the President may determine, and shall be reported to the Congress.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $37,655,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and the Act of July 27, 1990 (Public Law 101–337); $4,000,000, to remain available until expended: Provided, That sums provided by any party in fiscal year 1996 and thereafter are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $36,900,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended by Public Law 100–478, $8,085,000 for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), $600,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, $6,750,000, to remain available until expended.

LAHONTAN VALLEY AND PYRAMID LAKE FISH AND WILDLIFE FUND

For carrying out section 206(f) of Public Law 101–618, such sums as have previously been credited or may be credited hereafter to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, to be available until expended without further appropriation.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, $200,000, to remain available until expended, to be available to carry out the provisions of the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103–391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 113 passenger motor vehicles; not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551: Provided further, That none of the funds made available in this Act may be used by the U. S. Fish and Wildlife Service to impede or delay the issuance of a wetlands permit by the U. S. Army Corps of Engineers to the City of Lake Jackson, Texas, for the development of a public golf course west of Buffalo Camp Bayou between the Brazos River and Highway 332: Provided further, That the Director of the Fish and Wildlife Service may charge reasonable fees for expenses to the Federal Government for providing training by the National Education and Training Center: Provided further, That all training fees collected shall be available to the Director, until expended, without further appropriation, to be used for the costs of training and education provided by the National Education and Training Center: Provided further, That with respect to lands leased for farming pursuant to Public Law 88–567, if for any reason the Secretary disapproves for use in 1996 or does not finally approve for use in 1996 any pesticide or chemical which was approved for use in 1995 or had been requested for use in 1996 by the submission of a pesticide use proposal as of September 19, 1995, none of the funds in this Act may be used to develop, implement, or enforce regulations or policies (including pesticide use proposals) related to the use of chemicals and pest management that are more restrictive than the requirements of applicable State and Federal laws related to the use of chemicals and pest management practices on non-Federal lands.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,593,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, $1,082,481,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $72,000,000, to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $37,649,000: Provided, That $236,000 of the funds provided herein are for the William O. Douglas Outdoor Education Center, subject to authorization.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $36,212,000, to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1997.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, $143,225,000, to remain available until expended: Provided, That not to exceed $4,500,000 of the funds provided herein shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: Provided further, That funds provided under this head, derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), may be available until expended to render sites safe for visitors and for building stabilization.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1996 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $49,100,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and of which $1,500,000 is to administer the State assistance program: Provided, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 518 passenger motor vehicles, of which 323 shall be for replacement only, including not to exceed 411 for police-type use, 12 buses, and 5 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs.

The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and Preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $730,163,000, of which $62,130,000 shall be available for cooperation with States or municipalities for water resources investigations, and of which $137,000,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997, and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries: Provided, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: Provided further, That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: Provided further, That none of the funds available under this head for resource research shall

be used to conduct new surveys on private property, including new aerial surveys for the designation of habitat under the Endangered Species Act, except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative: Provided further, That none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: Provided further, That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: Provided further, That no funds available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: Provided further, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: Provided further, That if specific authorizing legislation is enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: Provided further, That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30, 1996: Provided further, That the authority granted to the United States Bureau of Mines to conduct mineral surveys and to determine mineral values by section 603 of Public Law 94–579 is hereby transferred to, and vested in, the Director of the United States Geological Survey.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $182,555,000, of which not less than $70,105,000 shall be available for royalty management activities; and an amount not to exceed $15,400,000 for the Technical Information Management System and Related Activities of the Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: Provided, That beginning in fiscal year 1996 and thereafter, fees for royalty rate relief applications shall be established (and revised as needed) in Notices to Lessees, and shall be credited to this account in the program areas performing the function, and remain available until expended for the costs of administering the royalty rate relief authorized by 43 U.S.C. 1337(a)(3): Provided further, That $1,500,000 for computer acquisitions shall remain available until September 30, 1997: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments: Provided further, That beginning in fiscal year 1996 and thereafter, the Secretary shall take appropriate action to collect unpaid and underpaid royalties and late payment interest owed by Federal and Indian mineral lessees and other royalty payors on amounts received in settlement or other resolution of disputes under, and for partial or complete termination of, sales agreements for minerals from Federal and Indian leases.

OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,440,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, $64,000,000, to remain available until expended, of which not to exceed $5,000,000 may be used for the completion and/or transfer of certain ongoing projects within the United States Bureau of Mines, such projects to be identified by the Secretary of the Interior within 90 days of enactment of this Act: Provided, That there hereby are transferred to, and vested in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: Provided further, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations: Provided further, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: Provided further, That all reductions in personnel complements resulting from the provisions of this Act shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function became effective: Provided further, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act: Provided further, That the reference to ''function'' includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: Provided, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral products that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: Provided further, That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in property and facilities of the United States Bureau of Mines in Juneau, Alaska, to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to the University of Alabama; in Rolla, Missouri, to the University of Missouri-Rolla; and in other localities to such university or government entities as the Secretary deems appropriate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; $95,470,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in

fiscal year 1996: Provided, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1996 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That notwithstanding any other provision of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 22 passenger motor vehicles for replacement only, $173,887,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 1996: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available to States under title IV of Public Law 95–87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices; maintaining of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, $1,384,434,000, of which not to exceed $100,255,000 shall be for welfare assistance grants and not to exceed $104,626,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau of Indian Affairs prior to fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to $5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act; and of which not to exceed $330,711,000 for school operations costs of Bureau-funded schools and other education programs shall become available for obligation on July 1, 1996, and shall remain available for obligation until September 30, 1997; and of which not to exceed $68,209,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1997; and of which not to exceed $71,854,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi Settlement Program: Provided, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements: Provided further, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: Provided further, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: Provided further, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: Provided further, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: Provided further, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1996, may be transferred during fiscal year 1997 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 1997: Provided further, That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs, other than the amounts provided herein for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1996: Provided further, That funds made available in this or any other Act for expenditure through September 30, 1997 for schools funded by the Bureau of Indian Affairs shall be available only to the schools which are in the Bureau of Indian Affairs school system as of September 1, 1995: Provided further, That no funds available to the Bureau of Indian Affairs shall be used to support expanded grades for any school beyond the grade structure in place at each school in the Bureau of Indian Affairs school system as of October 1, 1995: Provided further, That notwithstanding the provisions of 25 U.S.C. 2011(h)(1)(B) and (c), upon the recommendation of a local school board for a Bureau of Indian Affairs operated school, the Secretary shall establish rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and homeliving counselors) at the school at a level not less than that for comparable positions in public school districts in the same geographic area, to become effective on July 1, 1997: Provided further, That of the funds available only through September 30, 1995, not to exceed $8,000,000 in unobligated and unexpended balances in the Operation of Indian Programs account shall be merged with and made a part of the fiscal year 1996 Operation of Indian Programs appropriation, and shall remain available for obligation for employee severance, relocation, and related expenses, until September 30, 1996.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; and preparation of lands for farming, $100,833,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project and for other water resource development activities related to the Southern Arizona Water Rights Settlement Act may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: Provided further, That for the fiscal year ending September 30, 1996, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $80,645,000, to remain available until expended; of which $78,600,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87–483, 97–293, 101–618, 102–374,

102–441, 102–575, and 103–116, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which $1,045,000 shall be available pursuant to Public Laws 98–500, 99–264, and 100–580; and of which $1,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100–86 (101 Stat. 659)), 31 U.S.C. 3334(b), (2) to restore to Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, $500,000.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $35,914,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $500,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs shall be available for expenses of exhibits, and purchase of not to exceed 275 passenger carrying motor vehicles, of which not to exceed 215 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $65,188,000, of which (1) $61,661,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $3,527,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands Covenant grant funding: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $24,938,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658: Provided, That notwithstanding section 112 of Public Law 101–219 (103 Stat. 1873), the Secretary of the Interior may agree to technical changes in the specifications for the project described in the subsidiary agreement negotiated under section 212(a) of the Compact of Free Association, Public Law 99–658, or its annex, if the changes do not result in increased costs to the United States.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $56,912,000, of which not to exceed $7,500 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $34,427,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $23,939,000.

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, $500,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $1,000,000: Provided, That on March 1, 1996, the Chairman shall submit to the Secretary a report detailing those Indian tribes or tribal organizations with gaming operations that are in full compliance, partial compliance, or noncompliance with the provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701, et seq.): Provided further, That the information contained in the report shall be updated on a continuing basis.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $16,338,000, of which $15,891,000 shall remain available until expended for trust funds management: Provided, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That obligated and unobligated balances provided for trust funds management within ''Operation of Indian programs'', Bureau of Indian Affairs are hereby transferred to and merged with this appropriation.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary,

pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the ''Emergency Department of the Interior Firefighting Fund'' shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. Appropriations made in this title from the Land and Water Conservation Fund for acquisition of lands and waters, or interests therein, shall be available for transfer, with the approval of the Secretary, between the following accounts: Bureau of Land Management, Land acquisition, United States Fish and Wildlife Service, Land acquisition, and National Park Service, Land acquisition and State assistance. Use of such funds are subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1996 appropriation for operation of the Presidio: Provided, That this section shall expire on December 31, 1995.

SEC. 109. Section 6003 of Public Law 101–380 is hereby repealed.

SEC. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 114. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 115. (a) Of the funds appropriated by this Act or any subsequent Act providing for appropriations in fiscal years 1996 and 1997, not more than 50 percent of any self-governance funds that would otherwise be allocated to each Indian tribe in the State of Washington shall actually be paid to or on account of such Indian tribe from and after the time at which such tribe shall—

(1) take unilateral action that adversely impacts the existing rights to and/or customary uses of, nontribal member owners of fee simple land within the exterior boundary of the tribe's reservation to water, electricity, or any other similar utility or necessity for the nontribal members' residential use of such land; or

(2) restrict or threaten to restrict said owners use of or access to publicly maintained rights-of-way necessary or desirable in carrying the utilities or necessities described above.

(b) Such penalty shall not attach to the initiation of any legal actions with respect to such rights or the enforcement of any final judgments, appeals from which have been exhausted, with respect thereto.

SEC. 116. Within 30 days after the enactment of this Act, the Department of the Interior shall issue a specific schedule for the completion of the Lake Cushman Land Exchange Act (Public Law 102–436) and shall complete the exchange not later than September 30, 1996.

SEC. 117. Notwithstanding Public Law 90–544, as amended, the National Park Service is authorized to expend appropriated funds for maintenance and repair of the Company Creek Road in the Lake Chelan National Recreation Area: Provided, That appropriated funds shall not be expended for the purpose of improving the property of private individuals unless specifically authorized by law.

SEC. 118. Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 is amended by deleting ''until Congress otherwise provides by law.'' and inserting in lieu thereof: ''except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be $11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.

''(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

''(1) for fiscal years 1996 through 2001, $4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 104(c)(6) of Public Law 99–239;

''(2) for fiscal year 1996, $7,700,000 shall be provided for capital infrastructure projects in American Samoa; $4,420,000 for resettlement of Rongelap Atoll; and

''(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, $3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3,000,000 may be allocated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: Provided further, That the cumulative amount set aside for such emergency fund may not exceed $10,000,000 at any time.

''(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: Provided, That the total of all contributions from any Federal source after enactment of this Act may not exceed $32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelop Atoll and

that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.''.

SEC. 119. (a) Until the National Park Service has prepared a final conceptual management plan for the Mojave National Preserve that incorporates traditional multiple uses of the region, the Secretary of the Interior shall not take any action to change the management of the area which differs from the historical management practices of the Bureau of Land Management. Prior to using any funds in excess of $1,100,000 for operation of the Preserve in fiscal year 1996, the Secretary must obtain the approval of the House and Senate Committees on Appropriations. This provision expires on September 30, 1996.

(b) The President is authorized to suspend the provisions of subsection (a) of this section if he determines that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, or protection of any cultural, biological or historic resources. Any suspension by the President shall take effect on such date, and continue in effect for such period (not to extend beyond the period in which subsection (a) would otherwise be in effect), as the President may determine, and shall be reported to the Congress.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $178,000,000, to remain available until September 30, 1997.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, $136,884,000, to remain available until expended, as authorized by law: Provided, That of funds available under this heading for Pacific Northwest Assistance in this or prior appropriations Acts, $200,000 shall be provided to the World Forestry Center for purposes of continuing scientific research and other authorized efforts regarding the land exchange efforts in the Umpqua River Basin Region.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads ''Forest Research'', ''State and Private Forestry'', ''National Forest System'', ''Construction'', ''Fire Protection and Emergency Suppression'', and ''Land Acquisition'', $1,257,057,000, to remain available for obligation until September 30, 1997, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 National Forest System appropriation, and shall remain available for obligation until September 30, 1997: Provided further, That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to National Forest System lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over National Forest System lands, $385,485,000, to remain available until expended: Provided, That unexpended balances of amounts previously appropriated under any other headings for Forest Service fire activities may be transferred to and merged with this appropriation: Provided further, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, $163,600,000, to remain available until expended, for construction and acquisition of buildings and other facilities, and for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That funds becoming available in fiscal year 1996 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: Provided further, That not to exceed $50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: Provided further, That $2,500,000 of the funds appropriated herein shall be available for a grant to the ''Non-Profit Citizens for the Columbia Gorge Discovery Center'' for the construction of the Columbia Gorge Discovery Center: Provided further, That the Forest Service is authorized to grant the unobligated balance of funds appropriated in fiscal year 1995 for the construction of the Columbia Gorge Discovery Center and related trail construction funds to the ''Non-Profit Citizens for the Columbia Gorge Discovery Center'' to be used for the same purpose: Provided further, That the Forest Service is authorized to convey the land needed for the construction of the Columbia Gorge Discovery Center without cost to the ''Non-Profit Citizens for the Columbia Gorge Discovery Center'': Provided further, That notwithstanding any other provision of law, funds originally appropriated under this head in Public Law 101–512 for the Forest Service share of a new research facility at the University of Missouri, Columbia, shall be available for a grant to the University of Missouri, as the Federal share in the construction of the new facility: Provided further, That agreed upon lease of space in the new facility shall be provided to the Forest Service without charge for the life of the building.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $39,400,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: Provided, That funding for specific land acquisition are subject to the approval of the House and Senate Committees on Appropriations.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

SOUTHEAST ALASKA ECONOMIC DISASTER FUND

(a) There is hereby established in the Treasury a Southeast Alaska Economic Disaster Fund. There are hereby appropriated $110,000,000, which shall be deposited into this account, which shall be available without further appropriation or fiscal year limitation. All monies from the Fund shall be distributed by the Secretary of Agriculture in accordance with the provisions set forth herein.

(b) None of the funds provided under this heading shall be available unless the President exercises the authority provided in section 325(c) of this Act.

(c)(1) The Secretary shall provide $40,000,000 in direct grants from the Fund for fiscal year 1996 and $10,000,000 in each of fiscal years 1997, 1998, and 1999 to communities in Alaska as follows:

(A) to the City and Borough of Sitka, $8,000,000 in fiscal year 1996 and $2,000,000 in each of fiscal years 1997, 1998, and 1999;

(B) to the City of Wrangell, $18,700,000 in fiscal year 1996 and $4,700,000 in each of fiscal years 1997, 1998, and 1999; and

(C) to the City of Borough of Ketchikan, $13,3000,000 in fiscal year 1996 and $3,300,000 in each of fiscal years 1997, 1998, and 1999.

(2) The funds provided under paragraph (1) shall be used to employ former timber workers in Wrangell and Sitka, and for related community development projects in Sitka, Wrangell, and Ketchikan.

(3) The Secretary shall allocate an additional $10,000,000 from the Fund for each of fiscal years 1996, 1997, 1998, and 1999 to communities in Alaska according to the following percentage:

(A) the Borough of Haines, 5.5 percent;

(B) the City of Borough of Juneau, 10.3 percent;

(C) the Ketchikan Gateway of Borough, 4.5 percent;

(D) the City of Borough of Sitka, 10.8 percent;

(E) the City of Borough of Yakutat, 7.4 percent; and

(F) the unorganized Boroughs within the Tongass National Forest, 61.5 percent.

(4) Funds provided pursuant to paragraph (3)(F) shall be allocated by the Secretary of Agriculture to the unorganized Boroughs in the Tongass National Forest in the same proportion as timber receipts were made available to such Boroughs in fiscal year 1995, and shall be in addition to any other monies provided to such Boroughs under this Act or any other law.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 183 passenger motor vehicles of which 32 will be used primarily for law enforcement purposes and of which 151 shall be for replacement; acquisition of 22 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, or to implement any reorganization, ''reinvention'' or other type of organizational restructuring of the Forest Service, other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare Island, Vallejo, California, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources in the United States Senate and the Committee on Agriculture and the Committee on Resources in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Fire and Emergency Suppression appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: Provided, That no funds shall be made available under this authority until funds appropriated to the ''Emergency Forest Service Firefighting Fund'' shall have been exhausted.

Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: Provided, That funds for the move must come from funds otherwise available to Region 5: Provided further, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: Provided, That this limitation shall not apply to hardwood stands damaged by natural disaster: Provided further, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, eighty percent of the funds appropriated to the Forest Service in the National Forest System and Construction accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

For one year after enactment of this Act, the Secretary shall continue the current Tongass Land Management Plan (TLMP) and may accommodate commercial tourism (if an agreement is signed between the Forest Service and the Alaska Visitors' Association) except that during this period, the Secretary shall maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity as identified in the Preferred Alternative (Alternative P) in the Tongass Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3–2/93. Nothing in this paragraph shall be interpreted to mandate clear-cutting or require the sale of timber and nothing in this paragraph, including the ASQ identified in Alternative P, shall be construed to limit the Secretary's consideration of new information or to prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.

If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering to one or more other purchaser, the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree, notwithstanding any other provision of law. A determination by the Forest Service pursuant to this paragraph shall not be subject to judicial review.

None of the funds appropriated under this Act for the Forest Service shall be made available for the purpose of applying paint to rocks, or rock colorization: Provided, That notwithstanding any other provision of law, the Forest Service shall not require of any individual or entity, as part of any permitting process under its authority, or as a requirement of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the painting or colorization of rocks.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for promoting health and safety in mines and the mineral industry through research (30 U.S.C. 3, 861(b), and 951(a)), for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), and for the development of methods for the disposal, control, prevention, and reclamation of waste products in the mining, minerals, metal, and mineral reclamation industries (30 U.S.C. 3 and 21a), $417,018,000, to remain available until expended: Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project

Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1995, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $148,786,000, to remain available until expended: Provided, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1996: Provided further, That section 501 of Public Law 101–45 is hereby repealed.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $553,189,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1996 determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502), and of which $16,000,000 shall be derived from available unobligated balances in the Biomass Energy Development account: Provided, That $140,696,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs as follows: $114,196,000 for the weatherization assistance program and $26,500,000 for the State energy conservation program.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $6,297,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $287,000,000, to remain available until expended, of which $187,000,000 shall be derived by transfer of unobligated balances from the ''SPR petroleum account'' and $100,000,000 shall be derived by transfer from the ''SPR Decommissioning Fund'': Provided, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell up to seven million barrels of oil from the Strategic Petroleum Reserve: Provided further, That the proceeds from the sale shall be deposited into a special account in the Treasury, to be established and known as the ''SPR Decommissioning Fund'', and shall be available for the purpose of removal of oil from and decommissioning of the Weeks Island site and for other purposes related to the operations of the Strategic Petroleum Reserve.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: Provided, That outlays in fiscal year 1996 resulting from the use of funds in this account shall not exceed $5,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $72,266,000, to remain available until expended: Provided, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)) or any other provision of law, funds appropriated under this heading hereafter may be used to enter into a contract for end use consumption surveys for a term not to exceed eight years: Provided further, That notwithstanding any other provision of law, hereafter the Manufacturing Energy Consumption Survey shall be conducted on a triennial basis.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $1,747,842,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa–2 for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $350,564,000 for contract medical care shall remain available for obligation until September 30, 1997: Provided further, That of the funds provided, not less than $11,306,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act, as amended: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1997: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act, as amended, shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $238,958,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with

the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: Provided further, That, notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant or agreement authorized by title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title IX, part A, subpart 1 of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $52,500,000.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $20,345,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498 (20 U.S.C. 4401 et seq.), $5,500,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $311,188,000, of which not to exceed $3,000,000 for voluntary incentive payments and other costs associated with employee separations pursuant to section 339 of this Act shall remain available until expended, and of which not to exceed $30,472,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $3,250,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $33,954,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $27,700,000, to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $51,844,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,442,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $10,323,000: Provided, That 40 U.S.C. 193n is hereby amended by striking the word ''and'' after the word ''Institution'' and inserting in lieu thereof a comma, and by inserting ''and the Trustees of the John F. Kennedy Center for the Performing Arts,'' after the word ''Art,''.

CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $8,983,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $5,840,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $82,259,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $17,235,000, to remain available until September 30, 1997, to the National Endowment for the Arts, of which $7,500,000 shall be available for purposes of section 5(p)(1): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $94,000,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,000,000, to remain available until September 30, 1997, of which $10,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $21,000,000, to remain available until September 30, 1997.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $834,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses necessary for the Advisory Council on Historic Preservation, $2,500,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,090,000: Provided, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $147,000, to remain available until September 30, 1997.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PUBLIC DEVELOPMENT

Funds made available under this heading in prior years shall be available for operating and administrative expenses and for the orderly closure of the Corporation, as well as operating and administrative expenses for the functions transferred to the General Services Administration.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388, as amended, $28,707,000; of which $1,575,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's exhibition program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the ''Buy American Act'').

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. Where the actual costs of construction projects under self-determination contracts, compacts, or grants, pursuant to Public Laws 93–638, 103–413, or 100–297, are less than the estimated costs thereof, use of the resulting excess funds shall be determined by the appropriate Secretary after consultation with the tribes.

SEC. 311. Notwithstanding Public Law 103–413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93–638, as amended, may be made on the first business day following the first day of a fiscal quarter.

SEC. 312. None of funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: Provided, That if no funds are provided for the AmeriCorps program by the VA–HUD and Independent Agencies fiscal year 1996 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 313. (a) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall—

(1) transfer and assign in accordance with this section all of its rights, title, and interest in and to all of the leases, covenants, agreements, and easements it has executed or will execute by March 31, 1996, in carrying out its powers and duties under the Pennsylvania Avenue Development Corporation Act (40 U.S.C. 871–885) and the Federal Triangle Development Act (40 U.S.C. 1101–1109) to the General Services Administration, National Capital Planning Commission, or the National Park Service; and

(2) except as provided by subsection (d), transfer all rights, title, and interest in and to all property, both real and personal, held in the name of the Pennsylvania Avenue Development Corporation to the General Services Administration.

(b) The responsibilities of the Pennsylvania Avenue Development Corporation transferred to the General Services Administration under subsection (a) include, but are not limited to, the following:

(1) Collection of revenue owed the Federal Government as a result of real estate sales or

lease agreements entered into by the Pennsylvania Avenue Development Corporation and private parties, including, at a minimum, with respect to the following projects:

(A) The Willard Hotel property on Square 225.

(B) The Gallery Row project on Square 457.

(C) The Lansburgh's project on Square 431.

(D) The Market Square North project on Square 407.

(2) Collection of sale or lease revenue owed the Federal Government (if any) in the event two undeveloped sites owned by the Pennsylvania Avenue Development Corporation on Squares 457 and 406 are sold or leased prior to April 1, 1996.

(3) Application of collected revenue to repay United States Treasury debt incurred by the Pennsylvania Avenue Development Corporation in the course of acquiring real estate.

(4) Performing financial audits for projects in which the Pennsylvania Avenue Development Corporation has actual or potential revenue expectation, as identified in paragraphs (1) and (2), in accordance with procedures described in applicable sale or lease agreements.

(5) Disposition of real estate properties which are or become available for sale and lease or other uses.

(6) Payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 to which persons in the project area squares are entitled as a result of the Pennsylvania Avenue Development Corporation's acquisition of real estate.

(7) Carrying out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101–1109), including responsibilities for managing assets and liabilities of the Corporation under such Act.

(c) In carrying out the responsibilities of the Pennsylvania Avenue Development Corporation transferred under this section, the Administrator of the General Services Administration shall have the following powers:

(1) To acquire lands, improvements, and properties by purchase, lease or exchange, and to sell, lease, or otherwise dispose of real or personal property as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 874) if a notice of intention to carry out such acquisition or disposal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(2) To modify from time to time the plan referred to in paragraph (1) if such modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(3) To maintain any existing Pennsylvania Avenue Development Corporation insurance programs.

(4) To enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be necessary to carry out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101–1109).

(5) To request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457.

(6) To use all of the funds transferred from the Pennsylvania Avenue Development Corporation or income earned on Pennsylvania Avenue Development Corporation property to complete any pending development projects.

(d)(1)(A) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall transfer all its right, title, and interest in and to the property described in subparagraph (B) to the National Park Service, Department of the Interior.

(B) The property referred to in subparagraph (A) is the property located within the Pennsylvania Avenue National Historic Site depicted on a map entitled ''Pennsylvania Avenue National Historic Park'', dated June 1, 1995, and numbered 840–82441, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Pennsylvania Avenue National Historic Site includes the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials.

(2) Jurisdiction of Pennsylvania Avenue and all other roadways from curb to curb shall remain with the District of Columbia but vendors shall not be permitted to occupy street space except during temporary special events.

(3) The National Park Service shall be responsible for management, administration, maintenance, law enforcement, visitor services, resource protection, interpretation, and historic preservation at the Pennsylvania Avenue National Historic Site.

(4) The National Park Service may enter into contracts, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be deemed necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Pennsylvania Avenue National Historic Site or may establish a nonprofit foundation to solicit funds for such activities.

(e) Notwithstanding any other provision of law, the responsibility for ensuring that development or redevelopment in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974, as amended, is transferred to the National Capital Planning Commission or its successor commencing April 1, 1996.

(f) SAVINGS PROVISIONS.—

(1) REGULATIONS.—Any regulations prescribed by the Corporation in connection with the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871–885) and the Federal Triangle Development Act (40 U.S.C. 1101–1109) shall continue in effect until suspended by regulations prescribed by the Administrator of the General Services Administration.

(2) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not be construed as affecting the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the date of the transfers under subsection (a).

(3) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Corporation in connection with administration of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871–885) and the Federal Triangle Development Act (40 U.S.C. 1101–1109) shall abate by reason of enactment and implementation of this Act, except that the General Services Administration shall be substituted for the Corporation as a party to any such action or proceeding.

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

''(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.''.

SEC. 314. No part of any appropriation contained in this Act shall be obligated or expended to implement regulations or requirements that regulate the use of, or actions occurring on, non-federal lands as a result of the draft or final environmental impact statements or records of decision for the Interior Columbia Basin Ecosystem Management Project. Columbia Basin Ecosystem Management Project records of decision will not provide the legal authority for any new formal rulemaking by any federal regulatory agency on the use of private property.

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.—(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than $100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to subparagraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: Provided, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869–4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

SEC. 316. Section 2001(a)(2) of Public Law 104–19 is amended as follows: Strike ''September 30, 1997'' and insert in lieu thereof ''December 31, 1996''.

SEC. 317. None of the funds made available in this Act may be used for any program, project, or activity when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 318. None of the funds provided in this Act may be made available for the Mississippi River Corridor Heritage Commission.

SEC. 319. GREAT BASIN NATIONAL PARK.—Section 3 of the Great Basin National Park Act of 1986 (16 U.S.C. 410mm–1) is amended—

(1) in the first sentence of subsection (e) by striking ''shall'' and inserting ''may''; and

(2) in subsection (f)—

(A) by striking ''At the request'' and inserting the following:

''(1) EXCHANGES.—At the request'';

(B) by striking ''grazing permits'' and inserting ''grazing permits and grazing leases''; and

(C) by adding after ''Federal lands.'' the following:

''(2) ACQUISITION BY DONATION.—

(A) IN GENERAL.—The Secretary may acquire by donation valid existing permits and grazing leases authorizing grazing on land in the park.

(B) TERMINATION.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.''.

SEC. 320. None of the funds made available in this Act shall be used by the Department of Energy in implementing the Codes and Standards Program to propose, issue, or prescribe any new or amended standard: Provided, That this section shall expire on September 30, 1996: Provided further, That nothing in this section shall preclude the Federal Government from promulgating rules concerning energy efficiency standards for the construction of new federally-owned commercial and residential buildings.

SEC. 321. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 322. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) PROCESSING SCHEDULE.—For those applications for patents pursuant to subsection (b) which were filed with the Secretary of the Interior, prior to September 30, 1994, the Secretary of the Interior shall—

(1) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will make a final determination as to whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of such applications within five years of the enactment of this Act and file reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

(2) Take such actions as may be necessary to carry out such plan.

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 323. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 324. No part of any appropriation contained in this Act or any other Act shall be expended or obligated to fund the activities of the Office of Forestry and Economic Development after December 31, 1995.

SEC. 325. (a) For one year after enactment of this Act, the Secretary shall continue the current Tongass Land Management Plan (TLMP) and may accommodate commercial tourism (if an agreement is signed between the Forest Service and the Alaska Visitors' Association) except that during this period, the Secretary shall maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity as identified in the Preferred Alternative (Alternative P) in the Tongass Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3–2/93. Nothing in this paragraph shall be interpreted to mandate clear-cutting or require the sale of timber and nothing in this paragraph, including the ASQ identified in Alternative P, shall be construed to limit the Secretary's consideration of new information or to prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.

(b) If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering to one or more other purchaser, the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree, notwithstanding any other provision of law. A determination by the Forest Service pursuant to this paragraph shall not be subject to judicial review.

(c) The President is authorized to suspend the provisions of subsections (a) or (b), or both, if he determines that such suspension is appropriate based upon the public interest in sound environmental management, or protection of any cultural, biological, or historic resources. Any suspension by the President shall take effect on the date of execution, and continue in effect for such period, not to extend beyond the period in which this section would otherwise be in effect, as the President may determine, and shall be reported to the Congress prior to public release by the President. If the President suspends the provisions of subsections (a) or (b) or both, then such provisions shall have no legal force or effect during such suspension.

SEC. 326. (a) LAND EXCHANGE.—The Secretary of the Interior (hereinafter referred to as the ''Secretary'') is authorized to convey to the Boise Cascade Corporation (hereinafter referred to as the ''Corporation''), a corporation formed under the statutes of the State of Delaware, with its principal place of business at Boise, Idaho, title to approximately seven acres of land, more or less, located in sections 14 and 23, township 36 north, range 37 east, Willamette Meridian, Stevens County, Washington, further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC–19860, and to accept from the Corporation in exchange therefor, title to approximately one hundred and thirty-six acres of land located in section 19, township 37 north, range 38 east and section 33, township 38 north, range 37 east, Willamette Meridian, Stevens County, Washington, and further identified in the records of the

Bureau of Reclamation, Department of the Interior, as Tract No. GC–19858 and Tract No. GC–19859, respectively.

(b) APPRAISAL.—The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation's lands is greater, the acreage may be reduced so that the fair market value is approximately equal: Provided, That the Secretary shall order appraisals made of the fair market value of each tract of land included in the exchange without consideration for improvements thereon: Provided further, That any cash payment received by the Secretary shall be covered in the Reclamation Fund and credited to the Columbia Basin project.

(c) ADMINISTRATIVE COSTS.—Costs of conducting the necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

(d) LIABILITY FOR HAZARDOUS SUBSTANCES.—(1) The Secretary shall not acquire any lands under this Act if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(2) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this Act after their transfer to the ownership of any party, but nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party. The Corporation shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), and the Resource Conservation Recovery Act (42 U.S.C. 6901 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 327. TIMBER SALES PIPELINE RESTORATION FUNDS.—(a) The Secretary of Agriculture and the Secretary of the Interior shall each establish a Timber Sales Pipeline Restoration Fund (hereinafter ''Agriculture Fund'' and ''Interior Fund'' or ''Funds''). Any revenues received from sales released under section 2001(k) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, minus the funds necessary to make payments to States or local governments under other law concerning the distribution of revenues derived from the affected lands, which are in excess of $37,500,000 (hereinafter ''excess revenues'') shall be deposited into the Funds. The distribution of excess revenues between the Agriculture Fund and Interior Fund shall be calculated by multiplying the total of excess revenues times a fraction with a denominator of the total revenues received from all sales released under such section 2001(k) and numerators of the total revenues received from such sales on lands within the National Forest System and the total revenues received from such sales on lands administered by the Bureau of Land Management, respectively: Provided, That revenues or portions thereof from sales released under such section 2001(k), minus the amounts necessary for State and local government payments and other necessary deposits, may be deposited into the Funds immediately upon receipt thereof and subsequently redistributed between the Funds or paid into the United States Treasury as miscellaneous receipts as may be required when the calculation of excess revenues is made.

(b)(1) From the funds deposited into the Agriculture Fund and into the Interior Fund pursuant to subsection (a)—

(A) seventy-five percent shall be available, without fiscal year limitation or further appropriation, for preparation of timber sales, other than salvage sales as defined in section 2001(a)(3) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, which—

(i) are situated on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively; and

(ii) are in addition to timber sales for which funds are otherwise available in this Act or other appropriations Acts; and

(B) twenty-five percent shall be available, without fiscal year limitation or further appropriation, to expend on the backlog of recreation projects on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively.

(2) Expenditures under this subsection for preparation of timber sales may include expenditures for Forest Service activities within the forest land management budget line item and associated timber roads, and Bureau of Land Management activities within the Oregon and California grant lands account and the forestry management area account, as determined by the Secretary concerned.

(c) Revenues received from any timber sale prepared under subsection (b) or under this subsection, minus the amounts necessary for State and local government payments and other necessary deposits, shall be deposited into the Fund from which funds were expended on such sale. Such deposited revenues shall be available for preparation of additional timber sales and completion of additional recreation projects in accordance with the requirements set forth in subsection (b).

(d) The Secretary concerned shall terminate all payments into the Agriculture Fund or the Interior Fund, and pay any unobligated funds in the affected Fund into the United States Treasury as miscellaneous receipts, whenever the Secretary concerned makes a finding, published in the Federal Register, that sales sufficient to achieve the total allowable sales quantity of the National Forest System for the Forest Service or the allowable sales level for the Oregon and California grant lands for the Bureau of Land Management, respectively, have been prepared.

(e) Any timber sales prepared and recreation projects completed under this section shall comply with all applicable environmental and natural resource laws and regulations.

(f) The Secretary concerned shall report annually to the Committees on Appropriations of the United States Senate and the House of Representatives on expenditures made from the Fund for timber sales and recreation projects, revenues received into the Fund from timber sales, and timber sale preparation and recreation project work undertaken during the previous year and projected for the next year under the Fund. Such information shall be provided for each Forest Service region and Bureau of Land Management State office.

(g) The authority of this section shall terminate upon the termination of both Funds in accordance with the provisions of subsection (d).

SEC. 328. Of the funds provided to the National Endowment for the Arts:

(a) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(b) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(c) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 329. DELAY IN IMPLEMENTATION OF THE ADMINISTRATION'S RANGELAND REFORM PROGRAM.—None of the funds made available under this or any other Act may be used to implement or enforce the final rule published by the Secretary of the Interior on February 22, 1995 (60 Fed. Reg. 9894), making amendments to parts 4, 1780, and 4100 of title 43, Code of Federal Regulations, to take effect August 21, 1995, until November 21, 1995. None of the funds made available under this or any other Act may be used to publish proposed or enforce final regulations governing the management of livestock grazing on lands administered by the Forest Service until November 21, 1995.

SEC. 330. Section 1864 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''twenty'' and inserting ''40'';

(B) in paragraph (3), by striking ''ten'' and inserting ''20'';

(C) in paragraph (4), by striking ''if damage exceeding $10,000 to the property of any individual results,'' and inserting ''if damage to the property of any individual results or if avoidance costs have been incurred exceeding $10,000, in the aggregate,''; and

(D) in paragraph (4), by striking ''ten'' and inserting ''20'';

(2) in subsection (c) by striking ''ten'' and inserting ''20'';

(3) in subsection (d), by—

(A) striking ''and'' at the end of paragraph (2);

(B) striking the period at the end of paragraph (3) and inserting ''; and''; and

(C) adding at the end the following:

''(4) the term 'avoidance costs' means costs incurred by any individual for the purpose of—

''(A) detecting a hazardous or injurious device; or

''(B) preventing death, serious bodily injury, bodily injury, or property damage likely to result from the use of a hazardous or injurious device in violation of subsection (a).''; and

(4) by adding at the end thereof the following:

''(e) Any person injured as the result of a violation of subsection (a) may commence a civil action on his own behalf against any person who is alleged to be in violation of subsection (a). The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, in such civil actions. The court may award, in addition to monetary damages for any injury resulting from an alleged violation of subsection (a), costs of litigation, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.''.

SEC. 331. (a) PURPOSES OF NATIONAL ENDOWMENT FOR THE ARTS.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951), sets out findings and purposes for which the National Endowment for the Arts was established, among which are—

(1) ''The arts and humanities belong to all the people of the United States'';

(2) ''The arts and humanities reflect the high place accorded by the American people . . . to the fostering of mutual respect for the diverse beliefs and values of all persons and groups'';

(3) ''Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money [and] such funding should contribute to public support and confidence in the use of taxpayer funds''; and

(4) ''Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines''.

(b) ADDITIONAL CONGRESSIONAL FINDINGS.—Congress further finds and declares that the use of scarce funds, which have been taken from all taxpayers of the United States, to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs,

is contrary to the express purposes of the National Foundation on the Arts and the Humanities Act of 1965, as amended.

(c) PROHIBITION ON FUNDING THAT IS NOT CONSISTENT WITH THE PURPOSES OF THE ACT.—Notwithstanding any other provision of law, none of the scarce funds which have been taken from all taxpayers of the United States and made available under this Act to the National Endowment for the Arts may be used to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs,

and this prohibition shall be strictly applied without regard to the content or viewpoint of the material or performance.

(d) SECTION NOT TO AFFECT OTHER WORKS.—Nothing in this section shall be construed to affect in any way the freedom of any artist or performer to create any material or performance using funds which have not been made available under this Act to the National Endowment for the Arts.

SEC. 332. For purposes related to the closure of the Bureau of Mines, funds made available to the United States Geological Survey, the United States Bureau of Mines, and the Bureau of Land Management shall be available for transfer, with the approval of the Secretary of the Interior, among the following accounts: United States Geological Survey, Surveys, investigations, and research; Bureau of Mines, Mines and minerals; and Bureau of Land Management, Management of lands and resources. The Secretary of Energy shall reimburse the Secretary of the Interior, in an amount to be determined by the Director of the Office of Management and Budget, for the expenses of the transferred functions between October 1, 1995 and the effective date of the transfers of function. Such transfers shall be subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 333. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1996, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1996.

SEC. 334. The National Park Service, in accordance with the Memorandum of Agreement between the United States National Park Service and the City of Vancouver dated November 4, 1994, shall permit general aviation on its portion of Pearson Field in Vancouver, Washington until the year 2022, during which time a plan and method for transitioning from general aviation aircraft to historic aircraft shall be completed; such transition to be accomplished by that date. This action shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Field or limit operations and airspace of Portland International Airport.

SEC. 335. The United States Forest Service approval of Alternative site 2 (ALT 2), issued on December 6, 1993, is hereby authorized and approved and shall be deemed to be consistent with, and permissible under, the terms of Public Law 100–696 (the Arizona-Idaho Conservation Act of 1988).

SEC. 336. None of the funds made available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to issue or implement final regulations, rules, or policies pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act of 1959.

Section 337. Directs the Department of the Interior to transfer to the Daughters of the American Colonists a plaque in the possession of the National Park Service. The Park Service currently has this plaque in storage and this provision provides for its return to the organization that originally placed the plaque on the Great Southern Hotel in Saint Louis, Missouri in 1933 to mark the site of Fort San Carlos.

SEC. 338. Upon enactment of this Act, all funds obligated in fiscal year 1996 under ''Salaries and expenses'', Pennsylvania Avenue Development Corporation are to be offset by unobligated balances made available under this Act under the account ''Public development'', Pennsylvania Avenue Development Corporation and all funds obligated in fiscal year 1996 under ''International forestry'', Forest Service are to be offset, as appropriate by funds made available under this Act under the accounts ''Forest research'' ''State and private forestry'', ''National forest system'', and ''Construction'' in the Forest Service.

SEC. 339. (a) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganizations, transfer of function, or other similar action, the Secretary of the Smithsonian Institution may pay, or authorize the payment of, voluntary separation incentive payments to Smithsonian Institution employees who separate from Federal service voluntarily through October 1, 1996 (whether by retirement or resignation).

(b) A voluntary separation incentive payment—

(1) shall be paid in a lump sum after the employee's separation in an amount to be determined by the Secretary, but shall not exceed $25,000; and

(2) shall not be a basis for payment, and shall not be included in the computation, of any other type of benefit.

(c)(1) An employee who has received a voluntary separation incentive payment under this section and accepts employment with any agency or instrumentality of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the Smithsonian Institution.

(2) The repayment required by paragraph (1) may be waived only by the Secretary.

(d) In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Smithsonian shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the Smithsonian to whom a voluntary separation incentive payment has been paid.

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 1996''.

(d) For programs, projects or activities for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996 and for other purposes

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; title II of the Civil Rights Act of 1991; the Women in Apprenticeship and Nontraditional Occupations Act; National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $4,146,278,000 plus reimbursements, of which $3,226,559,000 is available for obligation for the period July 1, 1996 through June 30, 1997; of which $121,467,000 is available for the period July 1, 1996 through June 30, 1999 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $170,000,000 shall be available from July 1, 1996 through September 30, 1997, for carrying out activities of the School-to-Work Opportunities Act: Provided, That $52,502,000 shall be for carrying out section 401 of the Job Training Partnership Act, $69,285,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $8,000,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $850,000,000 shall be for carrying out title II, part A of such Act, $126,672,000 shall be for carrying out title II, part C of such Act and $2,500,000 shall be available for obligation from October 1, 1995 through September 30, 1996 to support short-term training and employment-related activities incurred by the organizer of the 1996 Paralympic Games: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: Provided further, That notwithstanding any other provision of law, the Secretary of Labor may waive any of the requirements contained in sections 4, 104, 105, 107, 108, 121, 164, 204, 253, 254, 264, 301, 311, 313, 314, and 315 of the Job Training Partnership Act in order to assist States in improving State workforce development systems, pursuant to a request submitted by a State that has prior to the date of enactment of this Act executed a Memorandum of Understanding with the United States requiring such State to meet agreed upon outcomes: Provided further, That funds used from this Act to carry out title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver allowing a reduction in the cost limitation relating to retraining services described in subsection (a)(2) of such section 315 may be granted with respect to funds from this Act if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services and that funds used from this Act to carry out the Secretary's discretionary grants under part B of such title III

may be used to provide needs-related payments to participants who, in lieu of meeting the requirements relating to enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after funds have been awarded: Provided further, That service delivery areas may transfer funding provided herein under authority of titles II–B and II–C of the Job Training Partnership Act between the programs authorized by those titles of that Act, if such transfer is approved by the Governor: Provided further, That service delivery areas and substate areas may transfer funding provided herein under authority of title II–A and title III of the Job Training Partnership Act between the programs authorized by those titles of the Act, if such transfer is approved by the Governor: Provided further, That, notwithstanding any other provision of law, any proceeds from the sale of Job Corps Center facilities shall be retained by the Secretary of Labor to carry out the Job Corps program.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $290,940,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $82,060,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $346,100,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49–49l–1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502–504); necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, and sections 225, 231–235, 243–244, and 250(d)(1), 250(d)(3), title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212(a)(5)(A), (m) (2) and (3), (n)(1), and 218(g) (1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out section 221(a) of the Immigration Act of 1990, $135,328,000, together with not to exceed $3,102,194,000 (including not to exceed $1,653,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1996, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1998; and of which $133,452,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1996, through June 30, 1997, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $216,333,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1996 is projected by the Department of Labor to exceed 2.785 million, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and section 104(d) of Public Law 102–164, and section 5 of Public Law 103–6, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 1997, $369,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1996, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

ADVANCES TO THE EMPLOYMENT SECURITY ADMINISTRATION ACCOUNT OF THE UNEMPLOYMENT TRUST FUND

(RESCISSION)

Amounts remaining unobligated under this heading as of September 30, 1995, are hereby rescinded.

PAYMENTS TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

(RESCISSION)

Of the amounts remaining unobligated under this heading as of September 30, 1995, $266,000,000 are hereby rescinded.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, $83,054,000, together with not to exceed $40,793,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, $67,497,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1996, for such Corporation: Provided, That not to exceed $10,603,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the collection of premiums, the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $265,637,000, together with $1,007,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under Title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $218,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That such sums as are necessary may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 1995, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any

other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1996: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $19,383,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., chapter 81, or under subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $996,763,000, of which $949,494,000 shall be available until September 30, 1997, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $27,350,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $19,621,000 for transfer to Departmental Management, Salaries and Expenses, and $298,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: Provided, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year: Provided further, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $304,984,000 including not to exceed $68,295,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $196,673,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $293,181,000, of which $11,549,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1997, together with not to exceed $51,278,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $4,358,000 for the President's Committee on Employment of People With Disabilities, $141,047,000; together with not to exceed $303,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under Section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278, (1995): Provided further, That no funds made available by this Act may be used by the Secretary of Labor after September 12, 1996, to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months, except as otherwise specified herein: Provided further, That any such decision pending a review by the Benefits Review Board for more than one year shall, if not acted upon by the Board before September 12, 1996, be considered affirmed by the Benefits Review Board on that date, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That beginning on September 13, 1996, the Benefits Review Board shall make a decision on an appeal of a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) not later than 1 year after the date the appeal to the Benefits Review Board was filed; however, if the Benefits Review Board fails to make a decision within the 1-year period, the decision under review shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

Beginning on September 13, 1996, in any appeal to the Benefits Review Board that has been pending for one year, the petitioner may elect to maintain the proceeding before the Benefits Review Board for a period of 60 days. Such election shall be filed with the Board no later than 30 days prior to the end of the one-year period. If no decision is rendered during this 60-day period, the decision under review shall be considered affirmed by the Board on the last day of such period, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals.

WORKING CAPITAL FUND

The language under this heading in Public Law 85–67, as amended, is further amended by adding the following before the last period: '': Provided further, That within the Working Capital Fund, there is established an Investment in Reinvention Fund (IRF), which shall be available to invest in projects of the Department designed to produce measurable improvements in agency efficiency and significant taxpayer savings. Notwithstanding any other provision of law, the Secretary of Labor may retain up to $3,900,000 of the unobligated balances in the Department's annual Salaries and Expenses accounts as of September 30, 1995, and transfer those amounts to the IRF to provide the initial capital for the IRF, to remain available until expended, to make loans to agencies of the Department for projects designed to enhance productivity and generate cost savings. Such loans shall be repaid to the IRF no later than September 30 of the fiscal year following the fiscal year

in which the project is completed. Such repayments shall be deposited in the IRF, to be available without further appropriation action.''

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $170,390,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 1996.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,426,000, together with not to exceed $3,615,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

SEC. 102. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration directly or through section 23(g) of the Occupational Safety and Health Act to promulgate or issue any proposed or final standard or guideline regarding ergonomic protection. Nothing in this section shall be construed to limit the Occupational Safety and Health Administration from conducting any peer reviewed risk assessment activity regarding ergonomics, including conducting peer reviews of the scientific basis for establishing any standard or guideline, direct or contracted research, or other activity necessary to fully establish the scientific basis for promulgating any standard or guideline on ergonomic protection.

(TRANSFER OF FUNDS)

SEC. 103. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Labor in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

SEC. 104. Funds shall be available for carrying out title IV–B of the Job Training Partnership Act, notwithstanding section 427(c) of that Act, if a Job Corps center fails to meet national performance standards established by the Secretary.

This title may be cited as the ''Department of Labor Appropriations Act, 1996''.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XVI, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, Public Law 101–527, and the Native Hawaiian Health Care Act of 1988, as amended, $3,077,857,000, of which $391,700,000 shall be for a part A of title XXVI of the Public Health Service Act and $260,847,000 shall be for Part B of title XXVI of the Public Health Service Act, and of which $411,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative, and occupational health professionals: Provided further, That of the funds made available under this heading, $858,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $193,349,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That notwithstanding any other provision of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408: Provided further, That the Secretary shall use amounts available for section 2603(b) of the Public Health Service Act as necessary to ensure that fiscal year 1996 grant awards made under section 2603(a) of such Act to eligible areas that received such grants in fiscal year 1995 are not less than 99 percent of the fiscal year 1995 level: Provided further,That funds made available under this heading for activities authorized by part A of title XXVI of the Public Health Service Act are available only for those metropolitan areas previously funded under Public Law 103–333 or with a cumulative total of more than 2,000 cases of AIDS, as reported to the Centers for Disease Control and Prevention as of March 31, 1995, and have a population of 500,000 or more: Provided further, That of the amounts provided for part B of title XXVI of the Public Health Service Act $52,000,000 shall be used only for State AIDS Drug Assistance Programs authorized by section 2616 of the Health Service Act and shall be distributed to States as authorized by section 2618(b)(2) of such Act.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $8,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $210,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–333, Public Law 103–112, and Public Law 102–394 for immunization activities, $53,000,000 are hereby rescinded: Provided, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $1,883,715,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of 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 Dependents' 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)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $65,186,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $60,124,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $55,094,355,000, to remain available until expended.

For making, after May 31, 1996, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1996 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1997, $26,155,350,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $63,313,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, and section 4005(e) of Public Law 100–203, not to exceed $1,734,810,000, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended, together with such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, the $1,734,810,000, to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1996, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $13,614,307,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1997, $4,800,000,000, to remain available until expended.

JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

(INCLUDING RESCISSION)

Of the funds made available beginning on October 1, 1995 under this heading in Public Law 103–333, $100,000,000 are hereby rescinded.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000 to be available for obligation in the period October 1, 1996 through September 30, 1997: Provided, That all of the funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

Funds made available in the fourth paragraph under this heading in Public Law 103–333 that remain unobligated as of September 30, 1996 shall remain available until September 30, 1997.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $402,172,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 103–112 for fiscal year 1994 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1995 and 1996.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $934,642,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,381,000,000: Provided, That notwithstanding section 2003(c) of such Act, the amount specified for allocation under such section for fiscal year 1996 shall be $2,381,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Abandoned Infants Assistance Act of 1988, and part B(1) of title IV of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $4,767,006,000, of which $435,463,000 shall be for making payments under the Community Services Block Grant Act: Provided, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

In addition, $21,358,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211, 40241, and 40251 of Public Law 103–322.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $225,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $4,322,238,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $829,393,000 of which $4,449,000 shall be for section 712 and $4,732,000 shall be for section 721: Provided, That notwithstanding section 308(b)(1) of such Act, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, and for carrying out titles III, XVII, XX of the Public Health Service Act, $139,499,000, together with $6,628,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XVII of the Public Health Service Act, $7,500,000 shall be available until expended for extramural construction.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $36,162,000, together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and which are transferred to the Office of the Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,153,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $9,000,000.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to prepare to respond to the health and medical consequences of nuclear, chemical, or biologic attack in the United States, $7,000,000, to remain available until expended and, in addition, for clinical trials, applying imaging technology used for missile guidance and target recognition to new uses improving the early detection of breast cancer, $2,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section

399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act or upon September 30, 1996, whichever occurs first.

SEC. 205. None of the funds appropriated in this or any other Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

Sec. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 207. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1996, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

SEC. 208. Notwithstanding section 106 of Public Law 104–91 and section 106 of Public law 104–99, appropriations for the National Institutes of Health and the Centers for Disease Control and Prevention shall be available for fiscal year 1996 as specified in section 101 of Public Law 104–91 and section 128 of Public Law 104–99.

SEC. 209. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

SEC. 210. Of the funds provided for the account heading ''Disease Control, Research, and Training'' in Public Law 104–91, $31,642,000, to be derived from the Violent Crime Reduction Trust Fund, is hereby available for carrying out sections 40151, 40261, and 40293 of Public Law 103–322 notwithstanding any provision of Public Law 104–91.

(TRANSFER OF FUNDS)

SEC. 211. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between such appropriations, but not such appropriation shall be increased by more than 3 percent by any such transfers: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

(TRANSFER OF FUNDS)

SEC. 212. The Director, National Institutes of Health, jointly with the Director, Office of AIDS Research, may transfer up to 3 percent among Institutes, Centers, and the National Library of Medicine from the total amounts identified in the apportionment for each Institute, Center, or the National Library of Medicine for AIDS research: Provided, That such transfers shall be within 30 days of enactment of this Act and be based on the scientific priorities established in the plan developed by the Director, Office of AIDS Research, in accordance with section 2353 of the Public Health Service Act: Provided further, That the Congress is promptly notified of the transfer.

SEC. 213. In fiscal year 1996, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

SEC. 214. (a) REIMBURSEMENT OF CERTAIN CLAIMS UNDER THE MEDICAID PROGRAM.—Notwithstanding any other provision of law, and subject to subsection (b), in the case where payment has been made by a State under title XIX of the Social Security Act between December 31, 1993, and December 31, 1995, to a State-operated psychiatric hospital for services provided directly by the hospital or by providers under contract or agreement with the hospital, and the Secretary of Health and Human Services has notified the State that the Secretary intends to defer the determination of claims for reimbursement related to such payment but for which a deferral of such claims has not been taken as of March 1, 1996, (or, if such claims have been deferred as of such date, such claims have not been disallowed by such date), the Secretary shall—

(1) if, as of the date of the enactment of this title, such claims have been formally deferred or disallowed, discontinue any such action, and if a disallowance of such claims has been taken as of such date, rescind any payment reductions effected;

(2) not initiate any deferral or disallowance proceeding related to such claims; and

(3) allow reimbursement of such claims.

(b) LIMITATION ON RESCISSION OR REIMBURSEMENT OF CLAIMS.—The total amount of payment reductions rescinded or reimbursement of claims allowed under subsection (a) shall not exceed $54,000,000.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 1996''.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act and the School-to-Work Opportunities Act, $530,000,000, of which $340,000,000 for the Goals 2000: Educate America Act and $180,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 1996, and remain available through September 30, 1997: Provided, That notwithstanding section 311(e) of Public Law 103–227, the Secretary is authorized to grant up to six additional State education agencies authority to waive Federal statutory or regulatory requirements for fiscal year 1996 and succeeding fiscal years: Provided further, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000: Educate America Act.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act, $7,228,116,000, of which $5,913,391,000 shall become available on July 1, 1996 and shall remain available through September 30, 1997 and of which $1,298,386,000 shall become available on October 1, 1996 and shall remain available through September 30, 1997 for academic year 1996–1997: Provided, That $5,985,839,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1995, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $677,241,000 shall be available for concentration grants under section 1124(A) and $3,370,000 shall be available for evaluations under section 1501.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $693,000,000, of which $581,707,000 shall be for basic support payments under section 8003(b), $40,000,000 shall be for payments for children with disabilities under section 8003(d), $50,000,000, to remain available until expended, shall be for payments under section 8003(f), $5,000,000 shall be for construction under section 8007, and $16,293,000 shall be for Federal property payments under section 8002.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV–A–1 and 2, V–A, VI, section 7203, and titles IX, X and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; $1,223,708,000 of which $1,015,481,000 shall become available on July 1, 1996, and remain available through September 30, 1997: Provided, That of the amount appropriated, $275,000,000 shall be for Eisenhower professional development State grants under title II–B and $275,000,000 shall be for innovative education program strategies State grants under title VI–A: Provided further, That not less than $3,000,000 shall be for innovative programs under section 5111.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual and immigrant education activities authorized by title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), $178,000,000 of which $50,000,000 shall be for immigrant education programs authorized by part C: Provided, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: Provided further, That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas.

SPECIAL EDUCATION

For carrying out parts B, C, D, E, F, G, and H and section 610(j)(2)(C) of the Individuals with Disabilities Education Act, $3,245,447,000, of which $3,000,000,000 shall become available for obligation on July 1, 1996, and shall remain available through September 30, 1997: Provided, That notwithstanding section 621(e), funds made available for section 621 shall be distributed among each of the regional centers and the Federal center in proportion to the amount that each such center received in fiscal year 1995: Provided further, That the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall be considered public or private nonprofit entities or organizations for the purpose of parts C,D,E,F, and G of the Individuals with Disabilities Education Act: Provided further, That, from the funds available under section 611 of the Act, the Secretary shall award grants, for which Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, The Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall be eligible, to carry out the purposes set forth in section 601(c) of the Act, and that the amount of funds available for such grants shall be equal to the amount that the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau would be eligible to receive if they were considered jurisdictions for the purpose of section 611(e) of the Act: Provided further, That the Secretary shall award grants in accordance with the recommendations of the entity specified in section 1121(b)(2)(A) of the Elementary and Secondary Education Act, including the provision of administrative costs

to such entity not to exceed five percent: Provided further, That to be eligible for a competitive award under the Individuals with Disabilities Education Act, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau must meet the conditions applicable to States under part B of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, and the 1996 Paralympics Games, $2,456,120,000 of which $7,000,000 will be used to support the Paralympics Games: Provided, That $1,000,000 of the funds provided for Special Demonstrations shall be used to continue the two head injury centers that were first funded under this program in fiscal year 1992.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $6,680,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $42,180,000: Provided, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $77,629,000: Provided, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and the National Literacy Act of 1991, $1,340,261,000, of which $4,869,000 shall be for the National Institute for Literacy; and of which $1,337,342,000 shall become available on July 1, 1996 and shall remain available thorugh September 30, 1997: Provided, That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $5,000,000 shall be for national programs under title IV without regard to section 451 and $350,000 shall be for evaluations undre section 451 and $350,000 shall be for evaluations under section 346(b) of the Act and no funds shall be awarded to a State Council under section 112(f), and no State shall be required to operate such a Council.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C, and part E of title IV of the Higher Education Act of 1965, as amended, $6,312,033,000, which shall remain available through September 30, 1997: Provided, That notwithstanding section 401(a)(1) of the Act, there shall be not to exceed $3,650,000 Pell Grant recipients in award year 1995–1996.

The maximum Pell Grant for which a student shall be eligible during award year 1996–1997 shall be $2,470: Provided, That notwithstanding section 401(g) of the Act, as amended, if the Secretary determines, prior to publication of the payment schedule for award year 1996–1997, that the $4,967,446,000 included within this appropriation for Pell Grant awards for award year 1996–1997, and any funds available from the fiscal year 1995 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $30,066,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, part A and subpart 1 of part B of title X, and title XI of the Higher Education Act of 1965, as amended, Public Law 102–423, and the Mutual Educational and Cultural Exchange Act of 1961; $836,964,000, of which $16,712,000 for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended: Provided, That notwithstanding sections 419D, 419E, and 419H of the Higher Education Act, as amended, scholarships made under title IV, part A, subpart 6 shall be prorated to maintain the same number of new scholarships in fiscal year 1996 as in fiscal year 1995.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $182,348,000: Provided, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under the Howard University Endowment Act (Public Law 98–480).

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $700,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $166,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act; the National Education Statistics Act; sections 2102, 3136, 3141, and parts B, C, and D of title III, parts A, B, I, and K, and section 10601 of title X, part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of the Goals 2000: Educate America Act, $351,268,000: Provided, That $48,000,000 shall be for sections 3136 and 3141 of the Elementary and Secondary Education Act: Provided further, That $3,000,000 shall be for the elementary mathematics and science equipment projects under the fund for the improvement of education: Provided further, That funds shall be used to extend star schools partnership projects that received continuation grants in fiscal year 1995: Provided further, That none of the funds appropriated in this paragraph may be obligated or expended for the Goals 2000 Communnity Partnerships Program: Provided further, That funds for International Education Exchange shall be used to extend the two grants awarded in fiscal year 1995.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, and IV of the Library Services and Construction Act, and title II–B of the Higher Education Act, $132,505,000, of which $16,369,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended; and $2,500,000 shall be for section 222 and $3,000,000 shall be for section 223 of the Higher Education Act: Provided, That $1,000,000 shall be awarded to the Survivors of the Shoak Vianal History Foundation to document and archive holocaust survivors' testimony: Provided further, That $1,000,000 shall be for the continued funding of an existing demonstration project making information available for public use by connecting Internet to a multistate consortium: Provided further, That $1,000,000 shall be awarded to the National Museum of Women in the Arts.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $327,319,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $55,451,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $28,654,000.

HEADQUARTERS RENOVATION

For necessary expenses for the renovation of the Department of Education headquarters building, $7,000,000, to remain available until September 30, 1998.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest

the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. No funds appropriated under this Act shall be made available for opportunity to learn standards or strategies.

SEC. 305. Notwithstanding any other provision of law, funds available under section 458 of the Higher Education Act shall not exceed $436,000,000 for fiscal year 1996. The Department of Education shall pay administrative cost allowances owed to guaranty agencies for fiscal year 1995 estimated to be $95,000,000 and administrative cost allowances owed to guaranty agencies for fiscal year 1996 estimated to be $81,000,000. The Department of Education shall pay administrative cost allowances to guaranty agencies, to be paid quarterly, calculated on the basis of 0.85 percent of the total principal amount of loans upon which insurance was issued on or after October 1, 1995 by such guaranty agencies. Receipt of such funds and uses of such funds by guaranty agencies shall be in accordance with section 428(f) of the Higher Education Act.

Notwithstanding section 458 of the Higher Education Act, the Secretary may not use funds available under that section or any other section for subsequent fiscal years for administrative expenses of the William D. Ford Direct Loan Program. The Secretary may not require the return of guaranty agency reserve funds during fiscal year 1996, except after consultation with both the Chairmen and Ranking Members of the House Economic and Educational Opportunities Committee and the Senate Labor and Human Resources Committee. Any reserve funds recovered by the Secretary shall be returned to the Treasury of the United States for purposes of reducing the Federal deficit.

No funds available to the Secretary may be used for (1) the hiring of advertising agencies or other third parties to provide advertising services for student loan programs, or (2) payment of administrative fees relating to the William D. Ford Direct Loan Program to institutions of higher education.

SEC. 306. From any unobligated funds that are available to the Secretary of Education to carry out sections 5 or 14 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on September 30, 1994)—

(1) half of the funds shall be available to the Secretary of Education to carry out subsection (c) of this section; and

(2) half of the funds shall be available to the Secretary of Education to carry out subparagraphs (B), (C), and (D) of section 8007(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)(2)), as amended by subsection (b) of this section.

(b) Subparagraph (B) of section 8007(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)(2)) is amended by striking ''and in which the agency'' and all that follows through ''renovation''.

(c)(1) The Secretary of Education shall award the funds described in subsection (a)(1) to local educational agencies, under such terms and conditions as the Secretary of Education determines appropriate, for the construction of public elementary or secondary schools on Indian reservations or in school districts that—

(A) the Secretary of Education determines are in dire need of construction funding;

(B) contain a public elementary or secondary school that serves a student population which is 90 percent Indian students; and

(C) serve students who are taught in inadequate or unsafe structures, or in a public elementary or secondary school that has been condemned.

(2) A local educational agency that receives construction funding under this subsection for fiscal year 1996 shall not be eligible to receive any funds under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for school construction for fiscal years 1996 and 1997.

(3) As used in this subsection, the term ''construction'' has the meaning given that term in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)).

(4) No request for construction funding under this subsection shall be approved unless the request is received by the Secretary of Education not later than 30 days after the date of enactment of this Act.

(d) The Secretary of Education shall report to the House and Senate Appropriations Committees on the total amounts available pursuant to subsections (a)(1) and (a)(2) within 30 days of enactment of this Act.

SEC. 307. None of the funds appropriated in this Act may be obligated or expended to carry out sections 727, 932, and 1002 of the Higher Education Act of 1965, and section 621(b) of Public Law 101–589.

(TRANSFER OF FUNDS)

SEC. 308. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Education in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

This title may be cited as the ''Department of Education Appropriations Act, 1996''.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $55,971,000, of which $1,954,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: Provided, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $198,393,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1998, $250,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $32,896,000 including $1,500,000, to remain available through September 30, 1997, for activities authorized by the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged for special training activities up to full-cost recovery shall be credited to and merged with this account, and shall remain available until expended: Provided further, That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,200,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $829,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,793,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $1,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $170,743,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: Provided further, That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representation cases.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $7,837,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,100,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $2,923,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,267,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $22,641,000.

In addition, to reimburse these trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $485,396,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1997, $170,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $18,545,512,000, to remain available until expended, of which $1,500,000 shall be for a demonstration program to foster economic independence among people with disabilities through disability sport, in connection with the Tenth Paralympic Games: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, $15,000,000, to remain available until September 30, 1997, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term ''continuing disability reviews'' has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1997, $9,260,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two medium size passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,267,268,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 from any one or all of the trust funds referred to therein: Provided, That reimbursement to the trust funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1997: Provided further, That unobligated balances at the end of fiscal year 1996 not needed for fiscal year 1996 shall remain available until expended for a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network.

In addition to funding already available under this heading, and subject to the same terms and conditions, $387,500,000, for disability caseload processing.

From funds provided under the previous two paragraphs, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $60,000,000, to remain available until September 30, 1997, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term ''continuing disability reviews'' has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

In addition to funding already available under this heading, and subject to the same terms and conditions, $167,000,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,816,000, together with not to exceed $21,076,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $239,000,000, which shall include amounts becoming available in fiscal year 1996 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $239,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1997, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, $73,169,000, to be derived from the railroad retirement accounts.

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $16,786,000 shall be apportioned for fiscal year 1996 from moneys credited to the railroad unemployment insurance administration fund.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $659,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,673,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,500,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic

injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

SEC. 509. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 510. LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

SEC. 511. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

SEC. 512. None of the funds made available in this Act may be used for Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 to students attending an institution of higher education that is ineligible to participate in a loan program under such title as a result of a final default rate determination made by the Secretary under the Federal Family Education Loan or Federal Direct Loan program under parts B and D of such title, respectively, and issued by the Secretary on or after February 14, 1996. The preceding sentence shall not apply to an institution that (1) was not participating in either such loan program on such date (or would not have been participating on such date but for the pendency of an appeal of a default rate determination issued prior to such date) unless the institution subsequently participates in either such loan program; or (2) has a participation rate index (as defined at 34 CFR 668.17) that is less than or equal to 0.0375.

No institution may be subject to the terms of this section unless it has had the opportunity to appeal its default rate determination under regulations issued by the Secretary for the FFEL and Federal Direct Loan Programs.

SEC. 513. No more than 1 percent of salaries appropriated for each Agency in this Act may be expended by that Agency on cash performance awards: Provided, That of the budgetary resources available to Agencies in this Act for salaries and expenses during fiscal year 1996, $30,500,000, to be allocated by the Office of Management and Budget, are permanently canceled: Provided further, That the foregoing proviso shall not apply to the Food and Drug Administration and the Indian Health Service.

SEC. 514. (a) HIGH COST TRAINING EXCEPTION.—Section 428H(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(d)(2)) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following:

''except in cases where the Secretary determines, that a higher amount is warranted in order to carry out the purpose of this part with respect to students engaged in specialized training requiring exceptionally high costs of education, but the annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any years in excess of the annual limit.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for loans made to cover the cost of instruction for periods of enrollment beginning on or after July 1, 1996.

ESTABLISHMENT OF PROHIBITION AGAINST ABORTION-RELATED DISCRIMINATION IN TRAINING AND LICENSING OF PHYSICIANS

SEC. 515. Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

''ABORTION-RELATED DISCRIMINATION IN GOVERNMENTAL ACTIVITIES REGARDING TRAINING AND LICENSING OF PHYSICIANS

SEC. 245. (a) IN GENERAL.—The Federal Government, and any State or local government that receives Federal financial assistance, may not subject any health care entity to discrimination on the basis that—

''(1) the entity refuses to undergo training in the performance of induced abortions, to require or provide such training, to perform such abortions, or to provide referrals for such training or such abortions;

''(2) the entity refuses to make arrangements for any of the activities specified in paragraph (1); or

''(3) the entity attends (or attended) a postgraduate physician training program, or any other program of training in the health professions, that does not (or did not) perform induced abortions or require, provide or refer for training in the performance of induced abortions, or make arrangements for the provision of such training.

''(b) ACCREDITATION OF POSTGRADUATE PHYSICIAN TRAINING PROGRAMS.—

''(1) IN GENERAL.—In determining whether to grant a legal status to a health care entity (including a license or certificate), or to provide such entity with financial assistance, services or other benefits, the Federal Government, or any State or local government that receives Federal financial assistance, shall deem accredited any postgraduate physician training program that would be accredited but for the accrediting agency's reliance upon an accreditation standards that requires an entity to perform an induced abortion or require, provide, or refer for training in the performance of induced abortions, or make arrangements for such training, regardless of whether such standard provides exceptions or exemptions. The government involved shall formulate such regulations or other mechanisms, or enter into such agreements with accrediting agencies, as are necessary to comply with this subsection.

''(2) RULES OF CONSTRUCTION.—

''(A) IN GENERAL.—With respect to subclauses (I) and (II) of section 705(a)(2)(B)(i) (relating to a program of insured loans for training in the health professions), the requirements in such subclauses regarding accredited internship or residency programs are subject to paragraph (1) of this subsection.

''(B) EXCEPTIONS.—This section shall not—

''(i) prevent any health care entity from voluntarily electing to be trained, to train, or to arrange for training in the performance of, to perform, or to make referrals for induced abortions; or

''(ii) prevent an accrediting agency or a Federal, State or local government from establishing standards of medical competency applicable only to those individuals who have voluntarily elected to perform abortions.

''(c) DEFINITIONS.—For purposes of this section:

''(1) The term 'financial assistance', with respect to a government program, includes governmental payments provided as reimbursement for carrying out health-related activities.

''(2) The term 'health care entity' includes an individual physician, a postgraduate physician training program, and a participant in a program of training in the health professions.

''(3) The term 'postgraduate physician training program' includes a residency training program.''.

SEC. 516. SURVEY AND CERTIFICATION OF MEDICARE PROVIDERS.

(a) INTERVALS BETWEEN STANDARD SURVEYS FOR HOME HEALTH AGENCIES.—Section 1891(c)(2)(A) of the Social Security Act (42 U.S.C. 1395bbb(c)(2)(A)) is amended—

(1) by striking ''15 months'' and inserting ''36 months'', and

(2) by amending the second sentence to read as follows: ''The Secretary shall establish a frequency for surveys of home health agencies within this 36-month interval commensurate with the need to assure the delivery of quality home health services.''.

(b) RECOGNITION OF ACCREDITATION.—Section 1865 of such Act (42 U.S.C. 1395bb) is amended—

(1) by redesignating subsection (b) as subsection (d),

(2) by redesignating the fourth sentence of subsection (a) as subsection (c), and

(3) by striking the third sentence of subsection (a) and inserting after and below the second sentence the following new subsection:

''(b)(1) In addition, if the Secretary finds that accreditation of a provider entity (as defined in paragraph (4)) by the American Osteopathic Association or any other national accreditation body demonstrates that all of the applicable conditions or requirements of this title (other than the requirements of section 1834(j) or the conditions and requirements under section 1881(b)) are met or exceeded—

''(A) in the case of a provider entity not described in paragraph (3)(B), the Secretary shall treat such entity as meeting those conditions or requirements with respect to which the Secretary made such finding; or

''(B) in the case of a provider entity described in paragraph (3)(B), the Secretary may treat

such entity as meeting those conditions or requirements with respect to which the Secretary made such finding.

''(2) In making such a finding, the Secretary shall consider, among other factors with respect to a national accreditation body, its requirements for accreditation, its survey procedures, its ability to provide adequate resources for conducting required surveys and supplying information for use in enforcement activities, its monitoring procedures for provider entities found out of compliance with the conditions or requirements, and its ability to provide the Secretary with necessary data for validation.

''(3)(A) Except as provided in subparagraph (B), not later than 60 days after the date of receipt of a written request for a finding under paragraph (1) (with any documentation necessary to make a determination on the request), the Secretary shall publish a notice identifying the national accreditation body making the request, describing the nature of the request, and providing a period of at least 30 days for the public to comment on the request. The Secretary shall approve or deny a request for such a finding, and shall publish notice of such approval or denial, not later than 210 days after the date of receipt of the request (with such documentation). Such an approval shall be effective with respect to accreditation determinations made on or after such effective date (which may not be later than the date of publication of the approval) as the Secretary specifies in the publication notice.

''(B) The 210-day and 60-day deadlines specified in subparagraph (A) shall not apply in the case of any request for a finding with respect to accreditation of a provider entity to which the conditions and requirements of section 1819 and 1861(j) apply.

''(4) For purposes of this section, the term 'provider entity' means a provider of services, supplier, facility, clinic, agency, or laboratory.''.

(c) AUTHORITY FOR VALIDATION SURVEYS.—

(1) IN GENERAL.—The first sentence of section 1864(c) of such Act (42 U.S.C. 1395aa(c)) is amended by striking ''hospitals'' and all that follows and inserting ''provider entities that, pursuant to subsection (a) or (b)(1) of section 1865, are treated as meeting the conditions or requirements of this title.''.

(2) CONFORMING AMENDMENTS.—Section 1865 of such Act, as amended by subsection (b), is further amended—

(A) in subsection (d), as redesignated by subsection (b)(1)—

(i) by striking ''a hospital'' and inserting ''a provider entity'',

(ii) by striking ''the hospital'' each place it appears and inserting ''the entity'', and

(iii) by striking ''the requirements of the numbered paragraphs of section 1861(e)'' and inserting ''the conditions or requirements the entity has been treated as meeting pursuant to subsection (a) or (b)(1)''; and

(B) by adding at the end the following new subsection:

''(e) For provisions relating to validation surveys of entities that are treated as meeting applicable conditions or requirements of this title pursuant to subsection (a) or (b)(1), see section 1864(c).''.

(d) STUDY AND REPORT ON DEEMING FOR NURSING FACILITIES AND RENAL DIALYSIS FACILITIES.—

(1) STUDY.—The Secretary of Health and Human Services shall provide for—

(A) a study concerning the effectiveness and appropriateness of the current mechanisms for surveying and certifying skilled nursing facilities for compliance with the conditions and requirements of sections 1819 and 1861(j) of the Social Security Act and nursing facilities for compliance with the conditions of section 1919 of such Act, and

(B) a study concerning the effectiveness and appropriateness of the current mechanisms for surveying and certifying renal dialysis facilities for compliance with the conditions and requirements of section 1881(b) of the Social Security Act.

(2) REPORT.—Not later than July 1, 1997, the Secretary shall transmit to Congress a report on each of the studies provided for under paragraph (1). The report on the study under paragraph (1)(A) shall include (and the report on the study under paragraph (1)(B) may include) a specific framework, where appropriate, for implementing a process under which facilities covered under the respective study may be deemed to meet applicable medicare conditions and requirements if they are accredited by a national accreditation body.

SEC. 517. The Secretary of Health and Human Services shall grant a waiver of the requirements set forth in section 1903(m)(2)(A)(ii) of the Social Security Act to D.C. Chartered Health Plan, Inc. of the District of Columbia: Provided, That such waiver shall be deemed to have been in place for all contract periods from October 1, 1991 through the current contract period or October 1, 1999, whichever shall be later.

SEC. 518. Section 119 of Public Law 104–99 is hereby repealed.

OPTIONAL, ALTERNATIVE MEDICAID PAYMENT METHOD

SEC. 519. (a) ELECTION.—A heavily impacted high-DSII State (as defined in subsection (d)) may elect to receive payments for expenditures under title XIX of the Social Security Act for the period beginning October 1, 1995, and ending June 30, 1996 (in this section referred to as the ''9-month period''), for State fiscal year 1996–1997, and (subject to subsection (c)(4) for State fiscal year 1997–1998 in accordance with the alternative payment method specified in subsection (b) rather than in accordance with section 1903(a) of such Act.

(b) ALTERNATIVE PAYMENT METHOD.—

(1) IN GENERAL.—Under the alternative payment method specified in this subsection—

(A) any percentage otherwise specified in section 1903(a) of the Social Security Act for expenditures in the 9-month period or a State fiscal year for which the election is in effect shall be equal to 100 percent minus the non-Federal participation percentage (specified under paragraph (2)) for the State for that period or State fiscal year, and

(B) the total payment for the 9-month period or a State fiscal year in which the election is in effect may not exceed the maximum Federal financial participation specified in paragraph (5) for the period or year.

In applying subparagraph (B), there shall not be counted as payments for any period or fiscal year any payment that is attributable to an expenditure which is exempt under subsection (c)(1). In applying such subparagraph to the 9-month period, there shall be counted payments (other than those described in the previous sentence) that are attributable to an expenditure for periods occurring in the 9-month period and before the date of the enactment of this Act.

(2) NON-FEDERAL PARTICIPATION PERCENTAGE.—For purposes of paragraph (1), the ''non-Federal participation percentage'' for a State for the 9-month period or State fiscal year is equal to the ratio of—

(A) the State's base State expenditures (as defined in paragraph (3)) plus the applicable percentage (as defined in paragraph (4)) of the difference between the amount of such expenditures and the amount of the State expenditures that would be required for the State to qualify for the maximum Federal financial participation specified in paragraph (5A) under title XIX of the Social Security Act if this section did not apply for such period or State fiscal year; to

(B) the total expenditures under the State plan of the State under such title for such period or State fiscal year.

Such ratio shall be calculated as if total expenditures under the State plan were no greater than necessary for the State to receive the maximum Federal financial participation specified in paragraph (5).

(3) BASE STATE EXPENDITURES.—For purposes of this subsection, the term ''base State expenditures'' means—

(A) for the 9-month period, $266,250,000, or

(B) for State fiscal year 1996–1997, $355,000,000, or

(C) for State fiscal year 1997–1998, $355,000,000.

(4) APPLICABLE PERCENTAGE.—For purposes of this subsection, the ''applicable percentage''—

(A) for the 9-month period is 20 percent,

(B) for State fiscal year 1996–1997 is 35 percent, and

(C) for State fiscal year 1997–1998 is 55 percent.

(5) MAXIMUM FEDERAL PARTICIPATION.—For purposes of this section, the maximum Federal financial participation specified in this paragraph for a State—

(A) for the 9-month period, $1,966,500,000.

(B) for State fiscal year 1996–1997 is $2,622,000,000, and

(C) for State fiscal year 1997–1998 is $2,622,000,000.

(c) ADDITIONAL RULES.—

(1) LIMITING APPLICATION TO EXPENDITURES FOR PERIODS IN WHICH ELECTION IN EFFECT.—This section (and the maximum Federal financial participation specified in subsection (b)(5)) shall not apply to any expenditure that is applicable to a reporting period that is not covered under an election under subsection (a), including any expenditure applicable to any reporting period before October 1, 1995.

() ELECTION PROCESS.— An election of a State under subsection (a) shall be made, by notice from the Governor of the State to the Secretary of Health and Human Services, not later than 30 days after the date of the enactment of this Act.

(3) LIMITATION.—For any period (on or after the date of an election under this section) in which an election is in effect for a State under this section—

(A) the Federal Government has no obligation to provide payment with respect to items and services provided under title XIX of the Social Security Act in excess of the maximum Federal financial participation specified in subsection (b)(5) and such title shall not be construed as providing for an entitlement, under Federal law in relation to the Federal Government, in an individual or person (including any provider) at the time of provision or receipt of services; and

(B) the State shall provide an entitlement to any person to receive any service or other benefit to the extent that such person would, but for this paragraph, be entitled to such service or other benefit under such title.

(4) CONDITION FOR STATE FISCAL YEAR 1997–1998.—This section shall not apply to State fiscal year 1997–1998 except to the extent provided for in a subsequent appropriation act.

(d) DEFINITION.—For purposes of this section, the term ''heavily impacted high-DSH State'' means the State of Louisiana.

(e) STATE FISCAL YEARS DEFINED.—For purposes of this section—

(1) the term ''State fiscal year 1996–1997'' means the period beginning July 1, 1996, and ending June 30, 1997, and

(2) the term ''State fiscal year 1997–1998'' means the period beginning July 1, 1997, and ending June 30, 1998.

SEC. 520. (a) Congress finds that—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States; and

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved.

(d) The Secretary of Health and Human Services shall do the following:

(i) Compile data on the number of females living in the United States who who have been

subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(2) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(3) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

(c) For purposes of this section the term ''female genital mutilation'' means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

(d) The Secretary of Health and Human Services shall commence carrying out this section not later than 90 days after the date of enactment of this Act.

TITLE VI—ADDITIONAL APPROPRIATIONS

SEC. 601. In addition to amounts otherwise provided in this Act, the following amounts are hereby appropriated as specified for the following appropriation accounts: Health Care Financing Administration, ''Program Management'', $396,000,000; and Office of the Secretary, ''Office of Inspector General'', $22,330,000, together with not to exceed $20,670,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

SEC. 602. Appropriations and funds made available pursuant to section 601 of this Act shall be available until enactment into law of a subsequent appropriation for fiscal year 1996 for any project or activity provided for in section 601.

TITLE VII—AMENDMENTS TO THE GOALS 2000: EDUCATE AMERICA ACT

SEC. 701. ELIMINATION OF THE NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL AND OPPORTUNITY-TO-LEARN STANDARDS.

The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is amended—

(1) by repealing part B of title II (20 U.S.C. 5841 et seq.)

(2) by redesignating parts C and D of title II (20 U.S.C. 5861 et seq. and 5871 et seq.) as parts B and C, respectively, of title II; and

(3) in section 241 (20 U.S.C. 5871)—

(A) in subsection (a), by striking ''(a) NATIONAL EDUCATION GOALS PANEL.—''; and

(B) by striking subsections (b) through (d).

SEC. 702. STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT.

(A) PANEL COMPOSITION; OPPORTUNITY-TO-LEARN STANDARDS; AND SUBMISSION OF PLAN TO THE SECRETARY FOR APPROVAL.—

(1) STATE IMPROVEMENT PLAN.—Section 306 of the Goals 2000: Educate America Act (20 U.S.C. 5886) is amended—

(A) by amending subsection (b) to read as follows:

''(b) PLAN DEVELOPMENT.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor.'';

(B) by striking subsection (d).

(b) LOCAL PANEL COMPOSITION.—Section 309(a)(3)(A) of such Act (20 U.S.C. 5889(a)(3)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''that—'' and inserting a semicolon; and

(2) by striking clauses (i) and (ii).

SEC. 703. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GOALS 2000: EDUCATE AMERICA ACT.—

(1) The table of contents for the Goals 2000: Educate America Act is amended, in the items relating to title II—

(A) by striking the items relating to part B;

(B) by striking ''Part C'' and inserting ''Part B''; and

(C) by striking ''Part D'' and inserting ''Part C''.

(2) Section 2 of such Act (20 U.S.C. 5801) is amended—

(A) in paragraph (4)—

(i) in subparagraph (B), by inserting ''and'' after the semicolon;

(ii) by striking subparagraph (C); and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(B) in paragraph (6)—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraphs (D) through (F) as subparagraphs (C) through (E), respectively.

(3) Section 3(a) of such Act (20 U.S.C. 5802) is amended—

(A) by striking paragraph (7); and

(B) by redesignating paragraphs (8) through (14) as paragraphs (7) through (13), respectively.

(4) Section 201(3) of such Act (20 U.S.C. 5821(3)) is amended by striking'', voluntary national student performance'' and all that follows through ''such Council'' and inserting ''and voluntary national student performance standards''.

(5) Section 202(j) of such Act (20 U.S.C. 5822(j)) is amended by striking'', student performance, or opportunity-to-learn'' and inserting ''or student performance''.

(6) Section 203 of such Act (20 U.S.C. 5823) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (2) and (3);

(ii) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively; and

(iii) by amending paragraph (2) (as redesignated by clause (ii)) to read as follows:

''(2) review voluntary national content standards and voluntary national student performance standards;''; and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by inserting ''and'' after the semicolon;

(ii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (C).

(7) Section 204(a)(2) of such Act (20 U.S.C. 5824(a)(2)) is amended—

(A) by striking ''voluntary national opportunity-to-learn standards,''; and

(B) by striking ''described in section 213(f)''.

(8) Section 304(a)(2) of such Act (20 U.S.C. 5884(a)(2)) is amended—

(A) in subparagraph (A), by adding ''and'' after the semicolon;

(B) in subparagraph (B), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (C).

(9) Section 306(o) of such Act (20 U.S.C. 5886(o)) is amended by striking ''State opportunity-to-learn standards or strategies,''.

(10) Section 308 of such Act (20 U.S.C. 5888) is amended—

(A) in subsection (b)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''State opportunity-to-learn standards,''; and

(ii) in subparagraph (A), by striking ''including—'' and all that follows through ''part B of title II;'' and inserting ''including through consortia of States;''; and

(B) in subsection (c), by striking ''306(b)(1)'' and inserting ''306(b)''.

(11) For the purpose of expanding the use and availability of computers and computer technology, Section 309(a)(6)(A)(ii) of such Act (20 U.S.C. 5889(a)(6)(A)(ii) is amended by inserting after ''new public schools'' the following: ''and the acquisition of technology and use of technology-enhanced curricula and instruction''.

(12) Section 312(b) of such Act (20 U.S.C. 5892(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively

(13) Section 314(a)(6)(A) of such Act (20 U.S.C. 5894(a)(6)(A)) is amended by striking ''certified by the National Education Standards and Improvement Council and'' .

(14) Section 315 of such Act (20 U.S.C. 5895) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(C), by striking '', including the requirements for timetables for opportunity-to-learn standards,'';

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(iv) in paragraph (1)(A), by striking ''paragraph (4) of this subsection'' and inserting ''paragraph (3)'';

(v) in paragraph (2) (as redesignated by clause (iii))—

(I) by striking subparagraph (A);

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (A) (as redesignated by subclause (II)) by striking '', voluntary natural student performance standards, and voluntary natural opportunity-to-learn standards developed under part B of title II of this Act'' and inserting ''and voluntary national student performance standards'';

(vi) in subparagraph (B) of paragraph (3) (as redesignated by clause (iii)), by striking ''paragraph (5),'' and inserting ''paragraph (4),''; and

(vii) in paragraph (4) (as redesignated by clause (ii)), by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (3)'';

(B) in the matter preceding subparagraph (A) of subsection (c)(2)—

(i) by striking ''subsection (b)(4)'' and inserting ''subsection (b)(3)''; and

(ii) by striking ''and to provide a framework for the implementation of opportunity-to-learn standards or strategies''; and

(C) in subsection (f), by striking ''subsection (b)(4)'' each place it appears and inserting ''subsection (b)(3)''.

(15)(A) Section 316 of such Act (20 U.S.C. 5896) is repealed.

(B) The table of contents for such Act is amended by striking the item relating to section 316.

(16) Section 317 of such Act (20 U.S.C. 5897) is amended—

(A) in subsection (d)(4), by striking ''promote the standards and strategies described in section 306(d),''; and

(B) in subsection (e)—

(i) in paragraph (2), by inserting ''and'' after the semicolon;

(ii) by striking paragraph (3); and

(iii) by redesignating paragraph (4) as paragraph (3).

(17) Section 503 of such Act (20 U.S.C. 5933) is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''28'' and inserting ''27'';

(II) by striking subparagraph (D); and

(III) by redesignating subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively;

(ii) in paragraphs (2), (3), and (5), by striking ''subparagraphs (E), (F), and (G)'' each place it appears and inserting ''subparagraphs (D), (E), and (F)'';

(iii) in paragraph (2), by striking ''subparagraph (G)'' and inserting ''subparagraph (F)'';

(iv) in paragraph (4), by striking ''(C), and (D)'' and inserting ''and (C)''; and

(v) in the matter preceding subparagraph (A) of paragraph (5), by striking ''subparagraph

(E), (F), or (G)'' and inserting ''subparagraph (D), (E), or (F)''; and

(B) in subsection (e)—

(i) in paragraph (1)(B), by striking ''subparagraph (E)'' and inserting ''subparagraph (D)''; and

(ii) in paragraph (2), by striking ''subparagraphs (E), (F), and (G)'' and inserting ''subparagraphs (D), (E), and (F)''

(18) Section 504 of such Act (20 U.S.C. 5934) is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) Section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) is amended—

(A) in subsection (b)(8)(B), by striking ''(which may include opportunity-to-learn standards or strategies developed under the Goals 2000: Educate America Act)'';

(B) in subsection (f), by striking ''opportunity-to-learn standards or strategies,'';

(C) by striking subsection (g); and

(D) by redesignating subsection (h) as subsection (g).

(2) Section 1116 of such Act (20 U.S.C. 6317) is amended—

(A) in subsection (c)—

(i) in paragraph (2)(A)(i), by striking all beginning with '', which may'' through ''Act''; and

(ii) in paragraph (5)(B)(i)—

(I) in subclause (VI), by inserting ''and'' after the semicolon;

(II) in subclause (VII), by striking ''; and'' and inserting a period; and

(III) by striking subclause (VIII); and

(B) in subsection (d)—

(i) in paragraph (4)(B), by striking all beginning with '', and may'' through ''Act''; and

(ii) in paragraph (6)(B)(i)—

(I) by striking subclause (IV); and

(II) by redesignating subclauses (V) through (VIII) as subclauses (IV) through (VII), respectively.

(3) Section 1501(a)(2)(B) of such Act (20 U.S.C. 6491(a)(2)(B)) is amended—

(A) by striking clause (v); and

(B) by redesignating clauses (vi) through (x) as clauses (v) through (ix), respectively.

(4) Section 10101(b)(1)(A)(i)) of such Act (20 U.S.C. 8001(b)(1)(A)(i)) is amended by striking ''and opportunity-to-learn standards or strategies for student learning''.

(5) Section 14701(b)(1)(B)(v) of such Act (20 U.S.C. 8941(b)(1)(B)(v)) is amended by striking ''the National Education Goals Panel,'' and all that follows through ''assessments)'' and inserting ''and the National Education Goals Panel''.

(c) GENERAL EDUCATION PROVISIONS ACT.—Section 428 of the General Education Provisions Act (20 U.S.C. 1228b), as amended by section 237 of the Improving America's Schools Act of 1994 (Public Law 103–382), is amended by striking ''the National Education Standards and Improvement Council,''.

(d) EDUCATION AMENDMENTS OF 1978.—Section 1121(b) of the Education Amendments of 1978 (25 U.S.C. 2001(b)), as amended by section 381 of the Improving America's Schools Act of 1994 (Public Law 103–382), is amended by striking ''213(a)'' and inserting ''203(a)(2)''.

SEC. 704. DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 304 of the Goals 2000: Educate America Act (20 U.S.C. 5884) is amended by adding at the end the following new subsection:

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996''.

''(e) DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—Notwithstanding subsection (c), if a State educational agency was not participating in the program under this section as of October 20, 1995, and the State educational agency approves, the Secretary shall use all or a portion of the allotment that the State would have received under this section for a fiscal year to award grants to local educational agencies in the State that have approved applications under paragraph (2) for such fiscal year.

''(2) APPLICATION.—Any local educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary that is consistent with the provisions of this Act and shall notify the State educational agency of such application in accordance with paragraph (1). The Secretary may establish a deadline for the submission of such applications.

''(3) AWARD BASIS.—The Secretary may use the student enrollment of a total educational agency or other factors as a basis for awarding grants under this subsection.''.

SEC. 705. ALTERNATIVE TO SECRETARIAL APPROVAL OF STATE PLANS.

(a) STATE IMPROVEMENT PLANS.—Section 306(n) of the Goals 2000: Educate America Act (20 U.S.C. 5886(n)) is amended by adding at the end the following new paragraph:

''(4) ALTERNATIVE SUBMISSION.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, any State educational agency that wishes to receive an allotment under this title after the first year such State educational agency receives such an allotment may, in lieu of submitting its State improvement plan for approval by the Secretary under this subsection and section 305(c)(2), or submitting major amendments to the Secretary under subsection (p), provide the Secretary, as part of an application under section 305(c) or as an amendment to a previously approved application—

''(i) an assurance, from the Governor and the chief State school officer of the State, that—

''(I) the State has a plan that meets the requirements of this section and that is widely available throughout the State; and

''(II) any amendments the State makes to the plan will meet the requirements of this section; and

''(ii) the State's benchmarks of improved student performance and of progress in implementing the plan, and the timelines against which the State's progress in carrying out the plan can be measured.

''(B) ANNUAL REPORT.—Any State educational agency that chooses to use the alternative method described in paragraph (1) shall annually report to the public summary information on the use of funds under this title by the State and local educational agencies in the State, as well as the State's progress toward meeting the benchmarks and timelines described in subparagraph (A)(ii).''.

(b) STATE APPLICATIONS.—Section 305(c)(2) of such Act (20 U.S.C. 5885(c)(2)) is amended by inserting ''except in the case of a State educational agency submitting the information described in section 306(n)(4),'' before ''include''.

(c) SECRETARY'S REVIEW OF APPLICATIONS.—Section 307(b)(1) of such Act (20 U.S.C. 5887(b)(1)) is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon;

(2) in subparagraph (B), by striking ''and'' after the semicolon and inserting ''or''; and

(3) by adding at the end the following new subparagraph:

''(C) the State educational agency has submitted the information described in section 306(n)(4); and''.

(d) PROGRESS REPORTS.—The matter preceding paragraph (1) of section 312(a) of such Act (20 U.S.C. 5892(a)) is amended by striking ''Each'' and inserting ''Except in the case of a State educational agency submitting the information described in section 306(n)(4), each''.

SEC. 706. LIMITATIONS.

Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.) is further amended by adding at the end the following new section:

SEC. 320. LIMITATIONS.

''(a) PROHIBITED CONDITIONS.—Nothing in this Act shall be construed to require a State, a local educational agency, or a school, as a condition of receiving assistance under this title—

''(1) to provide outcomes-based education; or

''(2) to provide school-based health clinics or any other health or social service.

''(b) LIMITATION ON GOVERNMENT OFFICIALS.—Nothing in this Act shall be construed to require or permit any Federal or State official to inspect a home, judge how parents raise their children, or remove children from their parents, as a result of the participation of a State, local educational agency, or school in any program or activity carried out under this Act.''.

(e) For programs, projects or activities in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); $18,331,561,000, to remain available until expended: Provided, That not to exceed $25,180,000 of the amount appropriated shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans' Benefits Act of 1992 (38 U.S.C. chapter 55): Provided further, That $12,000,000 previously transferred from ''Compensation and pensions'' to ''Medical facilities revolving fund'' shall be transferred to this heading.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $1,345,300,000, to remain available until expended: Provided, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities,

service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $24,890,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $65,226,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $52,138,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during 1996, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, $459,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $195,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $54,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $1,964,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $377,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $205,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); aid to State homes as authorized by law (38 U.S.C. 1741); and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); $16,564,000,000, plus reimbursements: Provided, That of the funds made available under this heading, $789,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1996, and shall remain available for obligation until September 30, 1997.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1997, $257,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs, including site acquisition; engineering and architectural activities not charged to project cost; and research and development in building construction technology; $63,602,000, plus reimbursements.

TRANSITIONAL HOUSING LOAN PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8, which shall be transferred from the ''General post fund'': Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000. In addition, for administrative expenses to carry out the direct loan program, $54,000, which shall be transferred from the ''General post fund'', as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $848,143,000: Provided, That of the amount appropriated and any other funds made available from any other source for activities funded under this heading, except reimbursements, not to exceed $214,109,000 shall be available for General Administration; including not to exceed (1) $3,206,000 for personnel compensation and benefits and $50,000 for travel in the Office of the Secretary, (2) $75,000 for travel in the Office of the Assistant Secretary for Policy and Planning, (3) $33,000 for travel in the Office of the Assistant Secretary for Congressional Affairs, and (4) $100,000 for travel in the Office of Assistant Secretary for Public and Intergovernmental Affairs: Provided further, That during fiscal year 1996, notwithstanding any other provision of law, the number of individuals employed by the Department of Veterans Affairs (1) in other than ''career appointee'' positions in the Senior Executive Service shall not exceed 6, and (2) in schedule C positions shall not exceed 11: Provided further, That not to exceed $6,000,000 of the amount appropriated shall be available for administrative expenses to carry out the direct and guaranteed loan programs under the Loan Guaranty Program Account: Provided further, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act: Provided further, That none of the funds under this heading may be obligated or expended for the acquisition of automated data processing equipment and services for Department of Veterans Affairs regional offices to support Stage III of the automated data equipment modernization program of the Veterans Benefits Administration.

NATIONAL CEMETERY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System not otherwise provided for, including uniforms or allowances therefor, as authorized by law; cemeterial expenses as authorized by law; purchase of three passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, $72,604,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,900,000.

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, $136,155,000, to remain available until expended: Provided, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by

the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 1996, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1996, and (2) by the awarding of a construction contract by September 30, 1997: Provided further, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93–344): Provided further, That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: Provided further, That of the funds made available under this heading in Public Law 103–327, $7,000,000 shall be transferred to the ''Parking revolving fund''.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000, $190,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: Provided, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by law (38 U.S.C. 8109), income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 8109 except operations and maintenance costs which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 8131–8137), $47,397,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by law (38 U.S.C. 2408), $1,000,000, to remain available until September 30, 1998.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for 1996 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for 1996 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 103. No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 1996 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1995.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1996 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, the Secretary of Veterans Affairs is authorized to transfer, without compensation or reimbursement, the jurisdiction and control of a parcel of land consisting of approximately 6.3 acres, located on the south edge of the Department of Veterans Affairs Medical and Regional Office Center, Wichita, Kansas, including buildings Nos. 8 and 30 and other improvements thereon, to the Secretary of Transportation for the purpose of expanding and modernizing United States Highway 54: Provided, That if necessary, the exact acreage and legal description of the real property transferred shall be determined by a survey satisfactory to the Secretary of Veterans Affairs and the Secretary of Transportation shall bear the cost of such survey: Provided further, That the Secretary of Transportation shall be responsible for all costs associated with the transferred land and improvements thereon, and compliance with all existing statutes and regulations: Provided further, That the Secretary of Veterans Affairs and the Secretary of Transportation may require such additional terms and conditions as each Secretary considers appropriate to effectuate this transfer of land.

SEC. 108. CONSTRUCTION AUTHORIZATION.—Authorization of major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1996.

(a) AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount authorized for that project:

(1) Construction of an outpatient clinic in Brevard County, Florida, in the amount of $25,000,000.

(2) Construction of an outpatient clinic at Travis Air Force Base in Fairfield, California, in the amount of $25,000,000.

(3) Construction of an ambulatory care addition at the Department of Veterans Affairs medical center in Boston, Massachusetts in the amount of $28,000,000.

(4) Construction of a medical research addition at the Department of Veterans Affairs medical center in Portland, Oregon, an additional authorization in the amount of $16,000,000, for a total amount of $32,100,000.

(b) AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.—The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of a satellite outpatient clinic in Fort Myers, Florida, in the amount of $1,736,000.

(2) Lease of a National Footwear Center in New York, New York, in the amount of $1,054,000.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1996—

(1) $94,000,000 for the major medical facility projects authorized in subsection (a); and

(2) $2,790,000 for the major medical facility leases authorized in subsection (b).

(d) LIMITATION.—The projects authorized in subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 1996 and subsequent fiscal year pursuant to the authorization of appropriations in subsection (c).

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1996 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1996 for a category of activity not specific to a project.

(e) LIMITATION CONCERNING OUTPATIENT CLINIC PROJECTS.—In the case of either of the projects for a new outpatient clinic authorized in paragraphs (1) and (2) of subsection (a)—

(1) the Secretary of Veterans Affairs may not obligate any funds for that project until the Secretary determines, and certifies to the Committees on Veterans' Affairs of the Senate and House of Representatives, the amount required for the project; and

(2) the amount obligated for the project may not exceed the amount certified under paragraph (1) with respect to that project.

SEC. 109. (a) DESIGNATION.—The Walla Walla Veterans Medical Center located at 77 Wainwright Drive, Walla Walla, Washington, shall be known and designated as the ''Jonathan M. Wainwright Memorial VA Medical Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Walla Walla Veterans Medical Center referred to in subsection (a) shall be deemed to be a reference to the ''Jonathan M. Wainwright Memorial VA Medical Center''.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For assistance under the United States Housing Act of 1937, as amended (''the Act'' herein) (42 U.S.C. 1437), not otherwise provided for, $9,818,795,000, to remain available until expended: Provided, That of the total amount provided under this head, $160,000,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb): Provided further, That of the total amount provided under this head, $2,500,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including up to $20,000,000 for the inspection of public housing units, contract expertise, and training and technical assistance, directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public and Indian housing (whether or not the housing is being modernized with assistance under this proviso) or tenant-based assistance, including, but not limited to, an annual

resident survey, data collection and analysis, training and technical assistance by or to officials and employees of the Department and of public housing agencies and to residents in connection with the public and Indian housing program, or for carrying out activities under section 6(j) of the Act: Provided further, That of the total amount provided under this head, $400,000,000 shall be for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the Act, except that such amounts shall be used only for units necessary to provide housing assistance for residents to be relocated from existing federally subsidized or assisted housing, for replacement housing for units demolished or disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements, for the conversion of section 23 projects to assistance under section 8, for public housing agencies to implement allocation plans approved by the Secretary for designated housing, for funds to carry out the family unification program, and for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency: Provided further, That of the total amount provided under this head, $4,007,862,000 shall be for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts, such amounts shall be merged with all remaining obligated and unobligated balances heretofore appropriated under the heading ''Renewal of expiring section 8 subsidy contracts'': Provided further, That notwithstanding any other provision of law, assistance reserved under the two preceding provisos may be used in connection with any provision of Federal law enacted in this Act or after the enactment of this Act that authorizes the use of rental assistance amounts in connection with such terminated or expired contracts: Provided further, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 1996: Provided further, That of the total amount provided under this head, $610,575,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended; and $192,000,000 shall be for section 8 assistance and rehabilitation grants for property disposition: Provided further, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section: Provided further, That of the total amount provided under this head, $171,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act; and $65,000,000 shall be for the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992: Provided further, That the Secretary may make up to $5,000,000 of any amount recaptured in this account available for the development of performance and financial systems.

Of the total amount provided under this head, $624,000,000, plus amounts recaptured from interest reduction payment contracts for section 236 projects whose owners prepay their mortgages during fiscal year 1996 (which amounts shall be transferred and merged with this account), shall be for use in conjunction with properties that are eligible for assistance under the Low Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) or the Emergency Low-Income Housing Preservation Act of 1987 (ELIHPA): Provided, That prior to August 15, 1996, funding to carry out plans of action shall be limited to sales of projects to non-profit organizations, tenant-sponsored organizations, and other priority purchasers: Provided further, That of the amount made available by this paragraph, up to $10,000,000 shall be available for preservation technical assistance grants pursuant to section 253 of the Housing and Community Development Act of 1987, as amended: Provided further, That with respect to amounts made available by this paragraph, after August 15, 1996, if the Secretary determines that the demand for funding may exceed amounts available for such funding, the Secretary (1) may determine priorities for distributing available funds, including giving priority funding to tenants displaced due to mortgage prepayment and to projects that have not yet been funded but which have approved plans of action; and (2) may impose a temporary moratorium on applications by potential recipients of such funding: Provided further, That an owner of eligible low-income housing may prepay the mortgage or request voluntary termination of a mortgage insurance contract, so long as said owner agrees not to raise rents for sixty days after such prepayment: Provided further, That an owner of eligible low-income housing who has not timely filed a second notice under section 216(d) prior to the effective date of this Act may file such notice by April 15, 1996: Provided further, That such developments have been determined to have preservation equity at least equal to the lesser of $5,000 per unit or $500,000 per project or the equivalent of eight times the most recently published fair market rent for the area in which the project is located as the appropriate unit size for all of the units in the eligible project: Provided further, That the Secretary may modify the regulatory agreement to permit owners and priority purchasers to retain rental income in excess of the basic rental charge in projects assisted under section 236 of the National Housing Act, for the purpose of preserving the low and moderate income character of the housing: Provided further, That the Secretary may give priority to funding and processing the following projects provided that the funding is obligated not later than September 15, 1996: (1) projects with approved plans of action to retain the housing that file a modified plan of action no later than August 15, 1996 to transfer the housing; (2) projects with approved plans of action that are subject to a repayment or settlement agreement that was executed between the owner and the Secretary prior to September 1, 1995; (3) projects for which submissions were delayed as a result of their location in areas that were designated as a Federal disaster area in a Presidential Disaster Declaration; and (4) projects whose processing was, in fact, or in practical effect, suspended, deferred, or interrupted for a period of nine months or more because of differing interpretations, by the Secretary and an owner concerning the time of the ability of an uninsured section 236 property to prepay or by the Secretary and a State or local rent regulatory agency, concerning the effect of a presumptively applicable State or local rent control law or regulation on the determination of preservation value under section 213 of LIHPRHA, as amended, if the owner of such project filed notice of intent to extend the low-income affordability restrictions of the housing, or transfer to a qualified purchaser who would extend such restrictions, on or before November 1, 1993: Provided further, That eligible low-income housing shall include properties meeting the requirements of this paragraph with mortgages that are held by a State agency as a result of a sale by the Secretary without insurance, which immediately before the sale would have been eligible low-income housing under LIHPRHA: Provided further, That notwithstanding any other provision of law, subject to the availability of appropriated funds, each unassisted low-income family residing in the housing on the date of prepayment or voluntary termination, and whose rent, as a result of a rent increase occurring no later than one year after the date of the prepayment, exceeds 30 percent of adjusted income, shall be offered tenant-based assistance in accordance with section 8 or any successor program, under which the family shall pay no less for rent than it paid on such date: Provided further, That any family receiving tenant-based assistance under the preceding proviso may elect (1) to remain in the unit of the housing and if the rent exceeds the fair market rent or payment standard, as applicable, the rent shall be deemed to be the applicable standard, so long as the administering public housing agency finds that the rent is reasonable in comparison with rents charged for comparable unassisted housing units in the market or (2) to move from the housing and the rent will be subject to the fair market rent of the payment standard, as applicable, under existing program rules and procedures: Provided further, That rents and rent increases for tenants of projects for which plans of action are funded under section 220(d)(3)(B) of LIHPRHA shall be governed in accordance with the requirements of the program under which the first mortgage is insured or made (sections 236 or 221(d)(3) BMIR, as appropriate): Provided further, That the immediately foregoing proviso shall apply hereafter to projects for which plans of action are to be funded under such section 220(d)(3)(B), and shall apply to any project that has been funded under such section starting one year after the date that such project was funded: Provided further, That up to $10,000,000 of the amount made available by this paragraph may be used at the discretion of the Secretary to reimburse owners of eligible properties for which plans of action were submitted prior to the effective date of this Act, but were not executed for lack of available funds, with such reimbursement available only for documented costs directly applicable to the preparation of the plan of action as determined by the Secretary, and shall be made available on terms and conditions to be established by the Secretary: Provided further, That, notwithstanding any other provision of law, effective October 1, 1996, the Secretary shall suspend further processing of preservation applications which do not have approved plans of action.

Of the total amount provided under this head, $780,190,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959; and $233,168,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act; and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: Provided, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of the Cranston-Gonzalez National Affordable Housing Act for tenant-based assistance, as authorized under that section, which

assistance is five-years in duration: Provided further, That the Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

Of the total amount provided under this heading, and in addition to funds otherwise earmarked in the previous paragraph, for section 202 of the Housing Act of 1959 and section 811 of the Cranston-Gonzalez National Affordable Housing Act, $75,000,000: Provided, That $50,000,000 of such sum shall be available for purposes authorized by section 202 of the Housing Act of 1959, and $25,000,000 shall be available for purposes authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: Provided further, That such additional sums shall be available only to provide for rental subsidy terms of a longer duration than would otherwise be permitted by this Act.

PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS

For grants to public housing agencies for the purposes of enabling the demolition of obsolete public housing projects or portions thereof, the revitalization (where appropriate) of sites (including remaining public housing units) on which such projects are located, replacement housing which will avoid or lessen concentrations of very low-income families, and tenant-based assistance in accordance with section 8 of the United States Housing Act of 1937 for the purpose of providing replacement housing and assisting tenants to be displaced by the demolition, $480,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall award such funds to public housing agencies based upon, among other relevant criteria, the local and national impact of the proposed demolition and revitalization activities and the extent to which the public housing agency could undertake such activities without the additional assistance to be provided hereunder: Provided further, That eligible expenditures hereunder shall be those expenditures eligible under section 8 and section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437f and l): Provided further, That the Secretary may impose such conditions and requirements as the Secretary deems appropriate to effectuate the purposes of this paragraph: Provided further, That the Secretary may require an agency selected to receive funding to make arrangements satisfactory to the Secretary for use of an entity other than the agency to carry out this program where the Secretary determines that such action will help to effectuate the purpose of this paragraph: Provided further, That in the event an agency selected to receive funding does not proceed expeditiously as determined by the Secretary, the Secretary shall withdraw any funding made available pursuant to this paragraph that has not been obligated by the agency and distribute such funds to one or more other eligible agencies, or to other entities capable of proceeding expeditiously in the same locality with the original program: Provided further, That of the foregoing $480,000,000, the Secretary may use up to .67 per centum for technical assistance, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies and to residents: Provided further, That any replacement housing provided with assistance under this head shall be subject to section 18(f) of the United States Housing Act of 1937, as amended by section 201(b)(2) of this Act.

FLEXIBLE SUBSIDY FUND

(INCLUDING TRANSFER OF FUNDS)

From the fund established by section 236(g) of the National Housing Act, as amended, all uncommitted balances of excess rental charges as of September 30, 1995, and any collections during fiscal year 1996 shall be transferred, as authorized under such section, to the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 1996 by not more than $2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts: Provided, That up to $163,000,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 1996.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,800,000,000.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public and Indian housing agencies for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $290,000,000, to remain available until expended, of which $10,000,000 shall be for grants, technical assistance, contracts and other assistance training, program assessment, and execution for or on behalf of public housing agencies and resident organizations (including the cost of necessary travel for participants in such training) and of which $2,500,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home program administered by the Inspector General of the Department of Housing and Urban Development: Provided, That the term ''drug-related crime'', as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary: Provided further, That notwithstanding section 5130(c) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11909(c)), the Secretary may determine not to use any such funds to provide public housing youth sports grants.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,400,000,000, to remain available until expended.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, $3,000,000, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739): Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $36,900,000.

HOMELESS ASSISTANCE

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $823,000,000, to remain available until expended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $4,600,000,000, to remain available until September 30, 1998: Provided, That $50,000,000 shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $2,000,000 shall be available as a grant to the Housing Assistance Council, $1,000,000 shall be available as a grant to the National American Indian Housing Council, and $27,000,000 shall be available for ''special purpose grants'' pursuant to section 107 of such Act: Provided further, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant made available under the preceding proviso to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974) shall be expended for ''Planning and Management Development'' and ''Administration'' as defined in regulations promulgated by the Department of Housing and Urban Development: Provided further, That section 105(a)(25) of such Act, as added by section 907(b)(1) of the Cranston-Gonzalez National Affordable Housing Act, shall continue to be effective after September 30, 1995, notwithstanding section 907(b)(2) of such Act: Provided further, That section 916 of the Cranston-Gonzalez National Affordable Housing Act shall apply with respect to fiscal year 1996, notwithstanding section 916(f) of that Act.

Of the amount provided under this heading, the Secretary of Housing and Urban Development may use up to $53,000,000 for grants to public housing agencies (including Indian housing authorities), nonprofit corporations, and other appropriate entities for a supportive services program to assist residents of public and assisted housing, former residents of such housing receiving tenant-based assistance under section 8 of such Act (42 U.S.C. 1437f), and other low-income families and individuals to become self-sufficient: Provided, That the program shall provide supportive services, principally for the benefit of public housing residents, to the elderly and the disabled, and to families with children where the head of the household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job training or educational programs: Provided further, That the supportive services shall include congregate services for the elderly and disabled, service coordinators, and coordinated educational, training, and other supportive services, including academic skills training, job search assistance, assistance related to retaining employment, vocational and entrepreneurship development and support programs, transportation, and child care: Provided further, That the Secretary shall require applicants to demonstrate firm commitments of funding or services from other sources: Provided further, That the Secretary shall select public and Indian housing agencies to receive

assistance under this head on a competitive basis, taking into account the quality of the proposed program (including any innovative approaches), the extent of the proposed coordination of supportive services, the extent of commitments of funding or services from other sources, the extent to which the proposed program includes reasonably achievable, quantifiable goals for measuring performance under the program over a three-year period, the extent of success an agency has had in carrying out other comparable initiatives, and other appropriate criteria established by the Secretary.

Of the amount made available under this heading, notwithstanding any other provision of law, $12,000,000 shall be available for contracts, grants, and other assistance, other than loans, not otherwise provided for, for providing counseling and advice to tenants and homeowners both current and prospective, with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, notwithstanding section 106(c)(9) and section 106(d)(13) of such Act.

Of the amount made available under this heading, notwithstanding any other provision of law, $15,000,000 shall be available for the tenant opportunity program.

Of the amount made available under this heading, notwithstanding any other provision of law, $20,000,000 shall be available for youthbuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading.

Of the amount made available under this heading, notwithstanding any other provision of law, $50,000,000 shall be available for Economic Development Initiative grants as authorized by section 232 of the Multifamily Housing Property Disposition Reform Act of 1994, Public Law 103–233, on a competitive basis as required by section 102 of the HUD Reform Act.

For the cost of guaranteed loans, $31,750,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,500,000,000: Provided further, That the Secretary of Housing and Urban Development may make guarantees not to exceed the immediately foregoing amount notwithstanding the aggregate limitation on guarantees set forth in section 108(k) of the Housing and Community Development Act of 1974. In addition, for administrative expenses to carry out the guaranteed loan program, $675,000 which shall be transferred to and merged with the appropriation for departmental salaries and expenses.

The amount made available for fiscal year 1995 for a special purpose grant for the renovation of the central terminal in Buffalo, New York, shall be made available for the central terminal and for other public facilities in Buffalo, New York.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $34,000,000, to remain available until September 30, 1997.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and for contracts with qualified fair housing enforcement organizations, as authorized by section 561 of the Housing and Community Development Act of 1987, as amended by the Housing and Community Development Act of 1992, $30,000,000, to remain available until September 30, 1997.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $962,558,000, of which $532,782,000 shall be provided from the various funds of the Federal Housing Administration, and $9,101,000 shall be provided from funds of the Government National Mortgage Association, and $675,000 shall be provided from the Community Development Grants Program account.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $47,850,000, of which $11,283,000 shall be transferred from the various funds of the Federal Housing Administration.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $14,895,000, to remain available until expended, from the Federal Housing Enterprise Oversight Fund: Provided, That such amounts shall be collected by the Director as authorized by section 1316 (a) and (b) of such Act, and deposited in the Fund under section 1316(f) of such Act.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1996, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $110,000,000,000: Provided, That during fiscal year 1996, the Secretary shall sell assigned mortgage notes having an unpaid principal balance of up to $4,000,000,000, which notes were originally insured under section 203(b) of the National Housing Act: Provided further, That the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996 for the disposition of properties or notes under this heading.

During fiscal year 1996, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $200,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under section 203 of such Act.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $341,595,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed $334,483,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which not to exceed $7,112,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of modifying such loans, $85,000,000, to remain available until expended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal any part of which is to be guaranteed of not to exceed $17,400,000,000: Provided further, That during fiscal year 1996, the Secretary shall sell assigned notes having an unpaid principal balance of up to $4,000,000,000, which notes were originally obligations of the funds established under sections 238 and 519 of the National Housing Act: Provided further, That the Secretary may use any negative subsidy amounts, to remain available until expended, from the sale of such assigned mortgage notes, in addition to amounts otherwise provided, for the disposition of properties or notes under this heading (including the credit subsidy for the guarantee of loans or the reduction of positive credit subsidy amounts that would otherwise be required for the sale of such properties or notes), and for any other purpose under this heading: Provided further, That any amounts made available in any prior appropriation Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238(a), and 519(a) of the National Housing Act, shall not exceed $120,000,000; of which not to exceed $100,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $202,470,000, of which $198,299,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which $4,171,000 shall be transferred to the appropriation for the Office of Inspector General.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDES TRANSFER OF FUNDS)

During fiscal year 1996, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $110,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,101,000, to be derived from the GNMA—guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,101,000 shall be transferred to the appropriation for departmental salaries and expenses.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

EXTEND ADMINISTRATIVE PROVISIONS FROM THE RESCISSION ACT

SEC. 201. (a) PUBLIC AND INDIAN HOUSING MODERNIZATION.—

(1) EXPANSION OF USE OF MODERNIZATION FUNDING.—Subsection 14(q) of the United States Housing Act of 1937 is amended to read as follows:

''(q)(1) In addition to the purposes enumerated in subsections (a) and (b), a public housing agency may use modernization assistance provided under section 14, and development assistance provided under section 5(a) that was not allocated, as determined by the Secretary, for priority replacement housing, for any eligible activity authorized by this section, by section 5, or by applicable Appropriations Acts for a public housing agency, including the demolition, rehabilitation, revitalization, and replacement of existing units and projects and, for up to 10 percent of its allocation of such funds in any fiscal year, for any operating subsidy purpose authorized in section 9. Except for assistance used for operating subsidy purposes under the preceding sentence, assistance provided to a public housing agency under this section shall principally be used for the physical improvement, replacement of public housing, other capital purposes, and for associated management improvements, and such other extraordinary purposes as may be approved by the Secretary. Low-income and very low-income units assisted under this paragraph shall be eligible for operating subsidies, unless the Secretary determines that such units or projects do not meet other requirements of this Act.

''(2) A public housing agency may provide assistance to developments that include units other than units assisted under this Act (except for units assisted under section 8 hereof) ('mixed income developments'), in the form of a grant, loan, operating assistance, or other form of investment which may be made to—

''(A) a partnership, a limited liability company, or other legal entity in which the public housing agency or its affiliate is a general partner, managing member, or otherwise participates in the activities of such entity; or

''(B) any entity which grants to the public housing agency the option to purchase the development within 20 years after initial occupancy in accordance with section 42(i)(7) of the Internal Revenue Code of 1986, as amended.

''Units shall be made available in such developments for periods of not less than 20 years, by master contract or by individual lease, for occupancy by low-income and very low-income families referred from time to time by the public housing agency. The number of such units shall be:

''(i) in the same proportion to the total number of units in such development that the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the development, or

''(ii) not be less than the number of units that could have been developed under the conventional public housing program with the assistance involved, or

''(iii) as may otherwise be approved by the Secretary.

''(3) A mixed income development may elect to have all units subject only to the applicable local real estate taxes, notwithstanding that the low-income units assisted by public housing funds would otherwise be subject to section 6(d) of the Housing Act of 1937.

''(4) If an entity that owns or operates a mixed-income project under this subsection enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this Act for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 9, or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this Act regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units, to the maximum extent practicable.''.

(2) APPLICABILITY.—Section 14(q) of the United States Housing Act of 1937, as amended by subsection (a) of this section, shall be effective only with respect to assistance provided from funds made available for fiscal year 1996 or any preceding fiscal year.

(3) APPLICABILITY TO IHAS.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendment made by this subsection shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(b) ONE-FOR-ONE REPLACEMENT OF PUBLIC AND INDIAN HOUSING.—

(1) EXTENDED AUTHORITY.—Section 1002(d) of Public Law 104–19 is amended to read as follows:

''(d) Subsections (a), (b), and (c) shall be effective for applications for the demolition, disposition, or conversion to homeownership of public housing approved by the Secretary, and other consolidation and relocation activities of public housing agencies undertaken, on, before, or after September 30, 1995 and before September 30, 1996.''.

(2) Section 18(f) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence:

''No one may rely on the preceding sentence as the basis for reconsidering a final order of a court issued, or a settlement approved, by a court.''.

(3) APPLICABILITY.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by this subsection and by sections 1002 (a), (b), and (c) of Public Law 104–19 shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

CONVERSION OF CERTAIN PUBLIC HOUSING TO VOUCHERS

SEC. 202. (a) IDENTIFICATION OF UNITS.—Each public housing agency shall identify any public housing developments—

(1) that are on the same or contiguous sites;

(2) that total more than 300 dwelling units;

(3) that have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;

(4) identified as distressed housing that the public housing agency cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(5) for which the estimated cost of continued operation and modernization of the developments as public housing exceeds the cost of providing tenant-based assistance under section 8 of the United States Housing Act of 1937 for all families in occupancy, based on appropriate indicators of cost (such as the percentage of total development cost required for modernization).

(b) IMPLEMENTATION AND ENFORCEMENT.—

(1) STANDARDS FOR IMPLEMENTATION.—The Secretary shall establish standards to permit implementation of this section in fiscal year 1996.

(2) CONSULTATION.—Each public housing agency shall consult with the applicable public housing tenants and the unit of general local government in identifying any public housing developments under subsection (a).

(3) FAILURE OF PHAS TO COMPLY WITH SUBSECTION (a).—Where the Secretary determines that—

(A) a public housing agency has failed under subsection (a) to identify public housing developments for removal from the inventory of the agency in a timely manner;

(B) a public housing agency has failed to identify one or more public housing developments which the Secretary determines should have been identified under subsection (a); or

(C) one or more of the developments identified by the public housing agency pursuant to subsection (a) should not, in the determination of the Secretary, have been identified under that subsection;

the Secretary may designate the developments to be removed from the inventory of the public housing agency pursuant to this section.

(c) REMOVAL OF UNITS FROM THE INVENTORIES OF PUBLIC HOUSING AGENCIES.—

(1) Each public housing agency shall develop and carry out a plan in conjunction with the Secretary for the removal of public housing units identified under subsection (a) or subsection (b)(3), over a period of up to five years, from the inventory of the public housing agency and the annual contributions contract. The plan shall be approved by the relevant local official as not inconsistent with the Comprehensive Housing Affordability Strategy under title I of the Housing and Community Development Act of 1992, including a description of any disposition and demolition plan for the public housing units.

(2) The Secretary may extend the deadline in paragraph (1) for up to an additional five years where the Secretary makes a determination that the deadline is impracticable.

(3) The Secretary shall take appropriate actions to ensure removal of developments identified under subsection (a) or subsection (b)(3) from the inventory of a public housing agency, if the public housing agency fails to adequately develop a plan under paragraph (1), or fails to adequately implement such plan in accordance with the terms of the plan.

(4) To the extent approved in appropriations Acts, the Secretary may establish requirements and provide funding under the Urban Revitalization Demonstration program for demolition and disposition of public housing under this section.

(5) Notwithstanding any other provision of law, if a development is removed from the inventory of a public housing agency and the annual contributions contract pursuant to paragraph (1), the Secretary may authorize or direct the transfer of—

(A) in the case of an agency receiving assistance under the comprehensive improvement assistance program, any amounts obligated by the Secretary for the modernization of such development pursuant to section 14 of the United States Housing Act of 1937;

(B) in the case of an agency receiving public and Indian housing modernization assistance by formula pursuant to section 14 of the United States Housing Act of 1937, any amounts provided to the agency which are attributable pursuant to the formula for allocating such assistance to the development removed from the inventory of that agency; and

(C) in the case of an agency receiving assistance for the major reconstruction of obsolete projects, any amounts obligated by the Secretary for the major reconstruction of the development pursuant to section 5 of such Act,

to the tenant-based assistance program or appropriate site revitalization of such agency.

(6) CESSATION OF UNNECESSARY SPENDING.—Notwithstanding any other provision of law, if, in the determination of the Secretary, a development meets or is likely to meet the criteria set forth in subsection (a), the Secretary may direct

the public housing agency to cease additional spending in connection with the development, except to the extent that additional spending is necessary to ensure decent, safe, and sanitary housing until the Secretary determines or approves an appropriate course of action with respect to such development under this section.

(d) CONVERSION TO TENANT-BASED ASSISTANCE.—

(1) The Secretary shall make authority available to a public housing agency to provide tenant-based assistance pursuant to section 8 to families residing in any development that is removed from the inventory of the public housing agency and the annual contributions contract pursuant to subsection (b).

(2) Each conversion plan under subsection (c) shall—

(A) require the agency to notify families residing in the development, consistent with any guidelines issued by the Secretary governing such notifications, that the development shall be removed from the inventory of the public housing agency and the families shall receive tenant-based or project-based assistance, and to provide any necessary counseling for families; and

(B) ensure that all tenants affected by a determination under this section that a development shall be removed from the inventory of a public housing agency shall be offered tenant-based or project-based assistance and shall be relocated, as necessary, to other decent, safe, sanitary, and affordable housing which is, to the maximum extent practicable, housing of their choice.

(e) IN GENERAL.—

(1) The Secretary may require a public housing agency to provide such information as the Secretary considers necessary for the administration of this section.

(2) As used in this section, the term ''development'' shall refer to a project or projects, or to portions of a project or projects, as appropriate.

(3) Section 18 of the United States Housing Act of 1937 shall not apply to the demolition of developments removed from the inventory of the public housing agency under this section.

STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE

SEC. 203. (a) ''TAKE-ONE, TAKE-ALL''.—Section 8(t) of the United States Housing Act of 1937 is hereby repealed.

(b) EXEMPTION FROM NOTICE REQUIREMENTS FOR THE CERTIFICATE AND VOUCHER PROGRAMS.—Section 8(c) of such Act is amended—

(1) in paragraph (8), by inserting after ''section'' the following: ''(other than a contract for assistance under the certificate or voucher program)''; and

(2) in the first sentence of paragraph (9), by striking ''(but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (o))'' and inserting '', other than a contract under the certificate or voucher program''.

(c) ENDLESS LEASE.—Section 8(d)(1)(B) of such Act is amended—

(1) in clause (ii), by inserting ''during the term of the lease,'' after ''(ii)''; and

(2) in clause (iii), by striking ''provide that'' and inserting ''during the term of the lease,''.

(d) APPLICABILITY.—The provisions of this section shall be effective for fiscal year 1996 only.

PUBLIC HOUSING/SECTION 8 MOVING TO WORK DEMONSTRATION

SEC. 204. (a) PURPOSE.—The purpose of this demonstration is to give public housing agencies and the Secretary of Housing and Urban Development the flexibility to design and test various approaches for providing and administering housing assistance that: reduce cost and achieve greater cost effectiveness in Federal expenditures; give incentives to families with children where the head of household is working, seeking work, or is preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and increase housing choices for low-income families.

(b) PROGRAM AUTHORITY.—The Secretary of Housing and Urban Development shall conduct a demonstration program under this section beginning in fiscal year 1996 under which up to 30 public housing agencies (including Indian housing authorities) administering the public or Indian housing program and the section 8 housing assistance payments program may be selected by the Secretary to participate. The Secretary shall provide training and technical assistance during the demonstration and conduct detailed evaluations of up to 15 such agencies in an effort to identify replicable program models promoting the purpose of the demonstration. Under the demonstration, notwithstanding any provision of the United States Housing Act of 1937 except as provided in subsection (e), an agency may combine operating assistance provided under section 9 of the United States Housing Act of 1937, modernization assistance provided under section 14 of such Act, and assistance provided under section 8 of such Act for the certificate and voucher programs, to provide housing assistance for low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937, and services to facilitate the transition to work on such terms and conditions as the agency may propose and the Secretary may approve.

(c) APPLICATION.—An application to participate in the demonstration—

(1) shall request authority to combine assistance under sections 8, 9, and 14 of the United States Housing Act of 1937;

(2) shall be submitted only after the public housing agency provides for citizen participation through a public hearing and, if appropriate, other means;

(3) shall include a plan developed by the agency that takes into account comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for—

(A) families to be assisted, which shall require that at least 75 percent of the families assisted by participating demonstration public housing authorities shall be very low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937;

(B) establishing a reasonable rent policy, which shall be designed to encourage employment and self-sufficiency by participating families, consistent with the purpose of this demonstration, such as by excluding some or all of a family's earned income for purposes of determining rent;

(C) continuing to assist substantially the same total number of eligible low-income families as would have been served had the amounts not been combined;

(D) maintaining a comparable mix of families (by family size) as would have been provided had the amounts not been used under the demonstration; and

(E) assuring that housing assisted under the demonstration program meets housing quality standards established or approved by the Secretary; and

(4) may request assistance for training and technical assistance to assist with design of the demonstration and to participate in a detailed evaluation.

(d) SELECTION.—In selecting among applications, the Secretary shall take into account the potential of each agency to plan and carry out a program under the demonstration, the relative performance by an agency under the public housing management assessment program under section 6(j) of the United States Housing Act of 1937, and other appropriate factors as determined by the Secretary.

(e) APPLICABILITY OF 1937 ACT PROVISIONS.—

(1) Section 18 of the United States Housing Act of 1937 shall continue to apply to public housing notwithstanding any use of the housing under this demonstration.

(2) Section 12 of such Act shall apply to housing assisted under the demonstration, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

(f) EFFECT ON SECTION 8, OPERATING SUBSIDIES, AND COMPREHENSIVE GRANT PROGRAM ALLOCATIONS.—The amount of assistance received under section 8, section 9, or pursuant to section 14 by a public housing agency participating in the demonstration under this part shall not be diminished by its participation.

(g) RECORDS, REPORTS, AND AUDITS.—

(1) KEEPING OF RECORDS.—Each agency shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts under this demonstration, to ensure compliance with the requirements of this section, and to measure performance.

(2) REPORTS.—Each agency shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) document the use of funds made available under this section;

(B) provide such data as the Secretary may request to assist the Secretary in assessing the demonstration; and

(C) describe and analyze the effect of assisted activities in addressing the objectives of this part.

(3) ACCESS TO DOCUMENTS BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(4) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(h) EVALUATION AND REPORT.—

(1) CONSULTATION WITH PHA AND FAMILY REPRESENTATIVES.—In making assessments throughout the demonstration, the Secretary shall consult with representatives of public housing agencies and residents.

(2) REPORT TO CONGRESS.—Not later than 180 days after the end of the third year of the demonstration, the Secretary shall submit to the Congress a report evaluating the programs carried out under the demonstration. The report shall also include findings and recommendations for any appropriate legislative action.

(i) FUNDING FOR TECHNICAL ASSISTANCE AND EVALUATION.—From amounts appropriated for assistance under section 14 of the United States Housing Act of 1937 for fiscal years 1996, 1997, and 1998, the Secretary may use up to a total of $5,000,000—

(1) to provide, directly or by contract, training and technical assistance—

(A) to public housing agencies that express an interest to apply for training and technical assistance pursuant to subsection (c)(4), to assist them in designing programs to be proposed for the demonstration; and

(B) to up to 10 agencies selected to receive training and technical assistance pursuant to subsection (c)(4), to assist them in implementing the approved program; and

(2) to conduct detailed evaluations of the activities of the public housing agencies under paragraph (1)(B), directly or by contract.

EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAM

SEC. 205. (a) The first sentence of section 542(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking ''on not more than 15,000

units over fiscal years 1993 and 1994'' and inserting ''on not more than 7,500 units during fiscal year 1996''.

(b) The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking ''on not to exceed 30,000 units over fiscal years 1993, 1994, and 1995'' and inserting ''on not more than 12,000 units during fiscal year 1996''.

FORECLOSURE OF HUD-HELD MORTGAGES THROUGH THIRD PARTIES

SEC. 206. During fiscal year 1996, the Secretary of Housing and Urban Development may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

RESTRUCTURING OF THE HUD MULTIFAMILY MORTGAGE PORTFOLIO THROUGH STATE HOUSING FINANCE AGENCIES

SEC. 207. During fiscal year 1996, the Secretary of Housing and Urban Development may sell or otherwise transfer multifamily mortgages held by the Secretary under the National Housing Act to a State housing finance agency in connection with a program authorized under section 542 (b) or (c) of the Housing and Community Development Act of 1992 without regard to the unit limitations in section 542(b)(5) or 542(c)(4) of such Act.

TRANSFER OF SECTION 8 AUTHORITY

SEC. 208. Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection at the end:

''(bb) TRANSFER OF BUDGET AUTHORITY.—If an assistance contract under this section, other than a contract for tenant-based assistance, is terminated or is not renewed, or if the contract expires, the Secretary shall, in order to provide continued assistance to eligible families, including eligible families receiving the benefit of the project-based assistance at the time of the termination, transfer any budget authority remaining in the contract to another contract. The transfer shall be under such terms as the Secretary may prescribe.''.

DOCUMENTATION OF MULTIFAMILY REFINANCINGS

SEC. 209. Notwithstanding the 16th paragraph under the item relating to ''administrative provisions'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Public Law 103–327; 108 Stat. 2316), the amendments to section 223(a)(7) of the National Housing Act made by the 15th paragraph of such Act shall be effective during fiscal year 1996 and thereafter.

FHA MULTIFAMILY DEMONSTRATION AUTHORITY

SEC. 210. (a) On and after October 1, 1995, and before October 1, 1997, the Secretary of Housing and Urban Development shall initiate a demonstration program with respect to multifamily projects whose owners agree to participate and whose mortgages are insured under the National Housing Act and that are assisted under section 8 of the United States Housing Act of 1937 and whose present section 8 rents are, in the aggregate, in excess of the fair market rent of the locality in which the project is located. These programs shall be designed to test the feasibility and desirability of the goal of ensuring, to the maximum extent practicable, that the debt service and operating expenses, including adequate reserves, attributable to such multifamily projects can be supported with or without mortgage insurance under the National Housing Act and with or without above-market rents and utilizing project-based assistance or, with the consent of the property owner, tenant-based assistance, while taking into account the need for assistance of low- and very low-income families in such projects. In carrying out this demonstration, the Secretary may use arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(1) GOALS.—The Secretary of Housing and Urban Development shall carry out the demonstration programs under this section in a manner that—

(A) will protect the financial interests of the Federal Government;

(B) will result in significant discretionary cost savings through debt restructuring and subsidy reduction; and

(C) will, in the least costly fashion, address the goals of—

(i) maintaining existing housing stock in a decent, safe, and sanitary condition;

(ii) minimizing the involuntary displacement of tenants;

(iii) restructuring the mortgages of such projects in a manner that is consistent with local housing market conditions;

(iv) supporting fair housing strategies;

(v) minimizing any adverse income tax impact on property owners; and

(vi) minimizing any adverse impact on residential neighborhoods.

In determining the manner in which a mortgage is to be restructured or the subsidy reduced, the Secretary may balance competing goals relating to individual projects in a manner that will further the purposes of this section.

(2) DEMONSTRATION APPROACHES.—In carrying out the demonstration programs, subject to the appropriation in subsection (f), the Secretary may use one or more of the following approaches:

(A) Joint venture arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(B) Subsidization of the debt service of the project to a level that can be paid by an owner receiving an unsubsidized market rent.

(C) Renewal of existing project-based assistance contracts where the Secretary shall approve proposed initial rent levels that do not exceed the greater of 120 percent of fair market rents or comparable market rents for the relevant metropolitan market area or at rent levels under a budget-based approach.

(D) Nonrenewal of expiring existing project-based assistance contracts and providing tenant-based assistance to previously assisted households.

(b) For purposes of carrying out demonstration programs under subsection (a)—

(1) the Secretary may manage and dispose of multifamily properties owned by the Secretary as of October 1, 1995 and multifamily mortgages held by the Secretary as of October 1, 1995 for properties assisted under section 8 with rents above 110 percent of fair market rents without regard to any other provision of law; and

(2) the Secretary may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

(c) For purposes of carrying out demonstration programs under subsection (a), subject to such third party consents (if any) as are necessary including but not limited to (i) consent by the Government National Mortgage Association where it owns a mortgage insured by the Secretary; (ii) consent by an issuer under the mortgage-backed securities program of the Association, subject to the responsibilities of the issuer to its security holders and the Association under such program; and (iii) parties to any contractual agreement which the Secretary proposes to modify or discontinue, and subject to the appropriation in subsection (c), the Secretary or one or more third parties designated by the Secretary may take the following actions:

(1) Notwithstanding any other provision of law, and subject to the agreement of the project owner, the Secretary or third party may remove, relinquish, extinguish, modify, or agree to the removal of any mortgage, regulatory agreement, project-based assistance contract, use agreement, or restriction that had been imposed or required by the Secretary, including restrictions on distributions of income which the Secretary or third party determines would interfere with the ability of the project to operate without above market rents. The Secretary or third party may require an owner of a property assisted under the section 8 new construction/substantial rehabilitation program to apply any accumulated residual receipts toward effecting the purposes of this section.

(2) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may enter into contracts to purchase reinsurance, or enter into participations or otherwise transfer economic interest in contracts of insurance or in the premiums paid, or due to be paid, on such insurance to third parties, on such terms and conditions as the Secretary may determine.

(3) The Secretary may offer project-based assistance with rents at or below fair market rents for the locality in which the project is located and may negotiate such other terms as are acceptable to the Secretary and the project owner.

(4) The Secretary may offer to pay all or a portion of the project's debt service, including payments monthly from the appropriate Insurance Fund, for the full remaining term of the insured mortgage.

(5) Notwithstanding any other provision of law, the Secretary may forgive and cancel any FHA-insured mortgage debt that a demonstration program property cannot carry at market rents while bearing full operating costs.

(6) For demonstration program properties that cannot carry full operating costs (excluding debt service) at market rents, the Secretary may approve project-based rents sufficient to carry such full operating costs and may offer to pay the full debt service in the manner provided in paragraph (4).

(d) COMMUNITY AND TENANT INPUT.—In carrying out this section, the Secretary shall develop procedures to provide appropriate and timely notice to officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project.

(e) LIMITATION ON DEMONSTRATION AUTHORITY.—The Secretary may carry out demonstration programs under this section with respect to mortgages not to exceed 15,000 units. The demonstration authorized under this section shall not be expanded until the reports required under subsection (g) are submitted to the Congress.

(f) APPROPRIATION.—For the cost of modifying loans held or guaranteed by the Federal Housing Administration, as authorized by this subsection (a)(2) and subsection (c), $30,000,000, to remain available until September 30, 1997: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

(g) REPORT TO CONGRESS.—The Secretary shall submit to the Congress every six months after the date of enactment of this Act a report describing and assessing the programs carried out under the demonstrations. The Secretary shall also submit a final report to the Congress not later than six months after the end of the demonstrations. The reports shall include findings and recommendations for any legislative action appropriate. The reports shall also include a description of the status of each multifamily housing project selected for the demonstrations under this section. The final report may include—

(1) the size of the projects;

(2) the geographic locations of the projects, by State and region;

(3) the physical and financial condition of the projects;

(4) the occupancy profile of the projects, including the income, family size, race, and ethnic origin of current tenants, and the rents paid by such tenants;

(5) a description of actions undertaken pursuant to this section, including a description of the effectiveness of such actions and any impediments to the transfer or sale of multifamily housing projects;

(6) a description of the extent to which the demonstrations under this section have displaced tenants of multifamily housing projects;

(7) a description of any of the functions performed in connection with this section that are transferred or contracted out to public or private entities or to States;

(8) a description of the impact to which the demonstrations under this section have affected the localities and communities where the selected multifamily housing projects are located; and

(9) a description of the extent to which the demonstrations under this section have affected the owners of multifamily housing projects.

ASSESSMENT COLLECTION DATES FOR OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SEC. 211. Section 1316(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4516(b)) is amended by striking paragraph (2) and inserting the following new paragraph:

''(2) TIMING OF PAYMENT.—The annual assessment shall be payable semiannually for each fiscal year, on October 1 and April 1.''.

MERGER LANGUAGE FOR ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS AND ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

SEC. 212. All remaining obligated and unobligated balances in the Renewal of Expiring Section 8 Subsidy Contracts account on September 30, 1995, shall immediately thereafter be transferred to and merged with the obligated and unobligated balances, respectively, of the Annual Contributions for Assisted Housing account.

DEBT FORGIVENESS

SEC. 213. (a) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hubbard Hospital Authority of Hubbard, Texas, relating to the public facilities loan for Project Number PFL–TEX–215, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(b) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Groveton Texas Hospital Authority relating to the public facilities loan for Project Number TEX–41–PFL0162, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(c) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hepzibah Public Service District of Hepzibah, West Virginia, relating to the public facilities loan for Project Number WV–46–PFL0031, issued under title II of the Housing Amendments of 1955. Such public service district is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

CLARIFICATIONS

SEC. 214. For purposes of Federal law, the Paul Mirabile Center in San Diego, California, including areas within such Center that are devoted to the delivery of supportive services, has been determined to satisfy the ''continuum of care'' requirements of the Department of Housing and Urban Development, and shall be treated as—

(a) consisting solely of residential units that (i) contain sleeping accommodations and kitchen and bathroom facilities, (ii) are located in a building that is used exclusively to facilitate the transition of homeless individuals (within the meaning of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302), as in effect on December 19, 1989) to independent living within 24 months, (iii) are suitable for occupancy, with each cubicle constituting a separate bedroom and residential unit, (iv) are used on other than a transient basis, and (v) shall be originally placed in service on November 1, 1995; and

(b) property that is entirely residential rental property, namely, a project for residential rental property.

EMPLOYMENT LIMITATIONS

SEC. 215. (a) By the end of fiscal year 1996 the Department of Housing and Urban Development shall employ no more than eight Assistant Secretaries, notwithstanding section 4(a) of the Department of Housing and Urban Development Act.

(b) By the end of fiscal year 1996 the Department of Housing and Urban Development shall employ no more than 77 schedule C and 20 noncareer senior executive service employees.

USE OF FUNDS

SEC. 216. (a) Of the $93,400,000 earmarked in Public Law 101–144 (103 Stat. 850), as amended by Public Law 101–302 (104 Stat. 237), for special projects and purposes, any amounts remaining of the $500,000 made available to Bethlehem House in Highland, California, for site planning and loan acquisition shall instead be made available to the County of San Bernardino in California to assist with the expansion of the Los Padrinos Gang Intervention Program and the Unity Home Domestic Violence Shelter, and San Bernardino drug court program.

(b) The amount made available for fiscal year 1995 for the removal of asbestos from an abandoned public school building in Toledo, Ohio shall be made available for the renovation and rehabilitation of an industrial building at the University of Toledo in Toledo, Ohio.

LEAD-BASED PAINT ABATEMENT

SEC. 217. (a) Section 1011 of Title X—Residential Lead-Based Paint Hazard Reduction Act of 1992 is amended as follows: Strike ''priority housing'' wherever it appears in said section and insert ''housing''.

(b) Section 1011(a) shall be amended as follows: At the end of the subsection after the period, insert: ''Grants shall only be made under this section to provide assistance for housing which meets the following criteria—

''(1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level;

''(2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting; and

''(3) notwithstanding paragraphs (1) and (2), Round II grantees who receive assistance under this section may use such assistance for priority housing.''.

EXTENSION PERIOD FOR SHARING UTILITY COST SAVINGS WITH PHAS

SEC. 218. Section 9(a)(3)(B)(i) of the United States Housing Act of 1937 is amended by striking ''for a period not to exceed 6 years''.

MORTGAGE NOTE SALES

SEC. 219. The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by striking ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

REPEAL OF FROST-LELAND

SEC. 220. Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100–202; 101 Stat. 1329–213) is repealed.

FHA SINGLE-FAMILY ASSIGNMENT PROGRAM REFORM

SEC. 221. (a) CORRECTION TO FORECLOSURE AVOIDANCE PROVISION.—The penultimate proviso of section 204(a) of the National Housing Act (12 U.S.C. 1710(a)), as added by section 407(a) of the Balanced Budget Downpayment Act, I (Public Law 104–99), is amended by striking ''special foreclosure'' and inserting in lieu thereof ''special forebearance''.

''(b) SAVINGS PROVISION.—Any mortgage for which the mortgagor has applied to the Secretary, before the date of enactment of this Act, for assignment to the Secretary pursuant to section 230(b) of the National Housing Act shall continue to be governed by the provisions of each section, as in effect immediately before enactment of the Balanced Budget Downpayment Act, I.

(2) Section 230(d) of the National Housing Act, as amended by section 407(b) of the Balanced Budget Downpayment Act, I, is repealed.

''(c) REGULATIONS.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue interim regulations to implement section 407 of the Balanced Budget Downpayment Act, I, and the amendments to the National Housing Act made by that section.

(2) Section 407(d) of the Balanced Budget Downpayment Act, I, is repealed.

(d) EXTENSION OF REFORM TO MORTGAGES ORIGINATED IN FISCAL YEAR 1996.—Section 407(c) of the Balanced Budget Downpayment Act, I, is amended by striking ''originated before October 1, 1995'' and inserting ''executed before October 1, 1996''.

SPENDING LIMITATIONS

SEC. 222. (a) None of the funds in this Act may be used by the Secretary to impose any sanction, or penalty because of the enactment of any State or local law or regulation declaring English as the official language.

(b) No part of any appropriation contained in this Act shall be used for lobbying activities as prohibited by law.

SEC. 223. None of the funds provided in this Act may be used during fiscal year 1996 to investigate or prosecute under the Fair Housing Act (42 U.S.C. 3601, et seq.) any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of non-frivolous legal action, that is engaged in solely for the purposes of achieving or preventing action by a Government official, entity, or court of competent jurisdiction.

SEC. 224. None of the funds provided in this Act many be used to take any enforcement action with respect to a complaint of discrimination under the Fair Housing Act (42 U.S.C. 3601, et seq.) on the basis of familial status and which involves an occupancy standard established by the housing provider except to the extent that it is found that there has been discrimination in contravention of the standards provided in the March 20, 1991 Memorandum from the General Counsel of the Department of Housing and

Urban Development to all Regional Counsel or until such time that HUD issues a final rule in accordance with section 553 of title 5, United States Code.

CDBG ELIGIBLE ACTIVITIES

SEC. 225. Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (4)—

(A) by inserting ''reconstruction,'' after ''removal,''; and

(B) by striking ''acquisition for rehabilitation, and rehabilitation'' and inserting ''acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation'';

(2) in paragraph (13), by striking ''and'' at the end;

(3) by striking paragraph (19);

(4) in paragraph (24), by striking ''and'' at the end;

(5) in paragraph (25), by striking the period at the end and inserting ''; and'';

(6) by redesignating paragraphs (20) through (25) as paragraphs (19) through (24), respectively; and

(7) by redesignating paragraph (21) (as added by section 1012(f)(3) of the Housing and Community Development Act of 1992) as paragraph (25).

SEC. 226. (a) The Secretary shall award for the community development grants program, as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), for the State of New York, not more than 35 percent of the funds made available for fiscal year 1996 for grants allocated for any multi-year commitment. The Secretary shall issue proposed and final rulemaking for the requirements of the community development grants program for the State of New York before issuing a Notice of Funding Availability for funds made available for fiscal year 1997.

SEC. 227. All funds allocated for the State of New York for fiscal years 1995 and 1996 under the Home investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625) shall be made available to the Chief Executive Officer of the State, or an entity designated by the Chief Executive Officer, to be used for activities in accordance with the requirements of the HOME investment partnership program, notwithstanding the memorandum from the general Counsel of the Department of Housing and Urban Development dated March 5, 1996.

SEC. 228. (a) The second sentence of section 236(f)(1) of the National Housing Act, as amended by section 405(d)(1) of The Balanced Budget Downpayment Act, I, is amended—

(1) by striking ''or (ii)'' and inserting ''(ii)''; and

(2) by striking ''located,'' and inserting: ''located, or (iii) the actual rent (as determined by the Secretary) paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located,''.

(b) The first sentence of section 236(g) of the National Housing Act is amended by inserting the phrase ''on a unit-by-unit basis'' after ''collected''.

TECHNICAL CORRECTION TO MINIMUM RENT AUTHORITY

SEC. 229. Section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99), is amended by inserting after ''as amended,'' the following: ''or section 206(d) of the Housing and Urban-Rural Recovery Act of 1983 (including section 206(d)(5) of such Act),''.

MINIMUM RENT WAIVER AUTHORITY

SEC. 230. Notwithstanding section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99), the Secretary of Housing and Urban Development or a public housing agency (including an Indian housing authority) may waive the minimum rent requirement of that section to provide a transition period for affected families. The term of a waiver approved pursuant to this section may be retroactive, but may not apply for more than three months with respect to any family.

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $20,265,000, to remain available until expended: Provided, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: Provided further, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: Provided further, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development financial institutions, and administrative expenses of the Fund, $45,000,000, to remain available until September 30, 1997: Provided, That of the funds made available under this heading not to exceed $4,000,000 may be used for the cost of direct loans, and not to exceed $400,000 may be used for administrative expenses to carry out the direct loan program: Provided further, That the cost of direct loans, including the cost of modifying such loans, shall be defined as in section 502 of the Congressional Budget Act of 1974: Provided further, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $28,440,000: Provided further, That none of these funds shall be used to supplement existing resources provided to the Department for activities such as external affairs, general counsel, administration, finance, or office of inspector general: Provided further, That none of these funds shall be available for expenses of an Administrator as defined in section 104 of the Community Development Banking and Financial Institutions Act of 1994 (CDBFI Act): Provided further, That notwithstanding any other provision of law, for purposes of administering the Community Development Financial Institutions Fund, the Secretary of the Treasury shall have all powers and rights of the Administrator of the CDBFI Act and the Fund shall be within the Department of the Treasury.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $40,000,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the ''Act'') (42 U.S.C. 12501 et seq.), $400,500,000, of which $265,000,000 shall be available for obligation from September 1, 1996, through September 30, 1997: Provided, That not more than $25,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)): Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $59,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.): Provided further, That not more than $215,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the Americorps program), of which not more than $40,000,000 may be used to administer, reimburse or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than $5,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12581(b)): Provided further, That to the maximum extent feasible, funds appropriated in the preceding proviso shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (41 U.S.C. 12521 et seq.): Provided further, That not more than $30,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639), of which up to $500,000 shall be available for a study by the National Academy of Public Administration on the structure, organization, and management of the Corporation and activities supported by the Corporation, including an assessment of the quality, innovation, replicability, and sustainability without Federal funds of such activities, and the Federal and non-Federal cost of supporting participants in community service activities: Provided further, That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the

Managing Director, the Office of the Chief Financial Officer, the Office of National and Community Service Programs, the Civilian Community Corps, or any field office or staff of the Corporation working on the National and Community Service or Civilian Community Corps programs: Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal cost per participant in all programs: Provided further, That prior to September 30, 1996, the General Accounting Office shall report to the Congress the results of a study of State commission programs which evaluates the cost per participant, the commissions' ability to oversee the programs, and other relevant considerations.

SENSE OF CONGRESS

It is the sense of the Congress that accounting for taxpayers' funds must be a top priority for all Federal agencies and Government corporations. The Congress is deeply concerned about the findings of the recent audit of the Corporation for National and Community Service required under the Government Corporation Control Act of 1945. The Congress urges the President to expeditiously nominate a qualified Chief Financial Officer for the Corporation. Further, to the maximum extent practicable and as quickly as possible, the Corporation should implement the recommendations of the independent auditors contracted for by the Corporation's Inspector General, as well as the Chief Financial Officer, to improve the financial management of taxpayers' funds. Should the Chief Financial Officer determine that additional resources are needed to implement these recommendations, the Corporation should submit a reprogramming proposal for up to $3,000,000 to carry out reforms of the financial management system.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $2,000,000.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251–7292, $9,000,000, of which not to exceed $678,000, to remain available until September 30, 1997, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this head in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, and not to exceed $1,000 for official reception and representation expenses; $11,946,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation and Liability act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; $525,000,000, which shall remain available until September 30, 1997.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,677,300,000, which shall remain available until September 30, 1997: Provided, That, notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger that is a pharmaceutical manufacturing facility and discharged to the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met:

(1) the owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger,

(2) the State or Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal equivalent to or better than that which would be required through a combination of pretreatment by such industrial discharger and treatment by the Kalamazoo Water Reclamation Plant in the absence of the exemption, and

(3) compliance with paragraph (2) is addressed by the provisions and conditions of a permit issued to the Kalamazoo Water Reclamation Plant under section 402 of such Act, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $28,500,000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or use by, the Environmental Protection Agency, $110,000,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,313,400,000, to remain available until expended, consisting of $1,063,400,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508 (of which, $100,000,000 shall not become available until September 1, 1996), and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That $11,000,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: Provided further, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $59,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: Provided further, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996: Provided further, That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9605), unless the Administrator receives a written request to propose for listing or to list a facility from the Governor of the State in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $45,827,000, to remain available until expended: Provided, That no more than $7,000,000 shall be available for administrative expenses: Provided further, That $500,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: Provided, That not more than $8,000,000 of these funds shall be available for administrative expenses.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $2,813,000,000, to remain available until expended, of which $1,848,500,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; $100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; $15,000,000

for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of rural and Alaska Native villages; and $141,500,000 for making grants for the construction of wastewater treatment facilities and the development of groundwater in accordance with the terms and conditions specified for such grants in the Conference Reports and statements of the managers accompanying H.R. 2099 and this Act: Provided, That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: Provided further, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: Provided further, That of the $1,848,500,000 for capitalization grants for State revolving funds to support water infrastructure financing, $500,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by August 1, 1996, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: Provided further, That of the funds made available in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by August 1, 1996: Provided further, That of the funds made available under this heading for capitalization grants for State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, $50,000,000 shall be for wastewater treatment in impoverished communities pursuant to section 102(d) of H.R. 961 as approved by the United States House of Representatives on May 16, 1995: Provided further, That of the funds appropriated in the Construction Grants and Water Infrastructure/State Revolving Funds accounts since the appropriation for the fiscal year ending September 30, 1992, and hereafter, for making grants for wastewater treatment works construction projects, portions may be provided by the recipients to States for managing construction grant activities, on condition that the States agree to reimburse the recipients from State funding sources: Provided further, That the funds made available in Public Law 103–327 for a grant to the City of Mt. Arlington, New Jersey, in accordance with House Report 103–715, shall be available for a grant to that city for water and sewer improvements.

ADMINISTRATIVE PROVISIONS

SEC. 301. None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation of a rule concerning any new standard for radon in drinking water.

SEC. 302. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirement proposed as ''Regulation of Fuels and Fuel Additives: Individual Foreign Refinery Baseline Requirements for Reformulated Gasoline'' at volume 59 of the Federal Register at pages 22800 through 22814.

SEC. 303. None of the funds appropriated under this Act may be used to implement the requirements of section 186(b)(2), section 187(b) or section 211(m) of the Clean Air Act (42 U.S.C. 7512(b)(2), 7512a(b), or 7545(m)) with respect to any moderate nonattainment area in which the average daily winter temperature is below 0 degrees Fahrenheit. The preceding sentence shall not be interpreted to preclude assistance from the Environmental Protection Agency to the State of Alaska to make progress toward meeting the carbon monoxide standard in such areas and to resolve remaining issues regarding the use of oxygenated fuels in such areas.

SEC. 304. Notwithstanding any other provision of law, the Environmental Protection Agency shall: (1) transfer all real property acquired in Bay City, Michigan, for the creation of the Center for Ecology, Research and Training (CERT) to the City of Bay City or other local public or municipal entity; and (2) make a grant in fiscal year 1996 to the recipient of the property of not less than $3,000,000 from funds previously appropriated for the CERT project for the purpose of environmental remediation and rehabilitation of real property included in the boundaries of the CERT project. The disposition of property shall be by donation or no-cost transfer and shall be made to the City of Bay City, Michigan or other local public or municipal entity.

Further, notwithstanding any other provision of law, the agency shall have the authority to demolish or dispose of any improvements on such real property, or to donate, sell, or transfer any personal property or improvements on such real property to members of the general public, by auction or public sale, and to apply any funds received to costs related to the transfer of the real property authorized hereunder.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: Provided, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, $2,150,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $222,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $2,155,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $95,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses; $168,900,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,673,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $203,044,000.

EMERGENCY FOOD AND SHELTER PROGRAM

Notwithstanding any other provision of law, for fiscal year 1996, there is hereby appropriated a total of $100,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended: Provided, That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and the National Flood Insurance Reform Act of 1994, not to exceed $20,562,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $70,464,000 for flood mitigation, including up to $12,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968, as amended, which amount shall be available until September 30, 1997. In fiscal year 1996, no funds in excess of (1) $47,000,000 for operating expenses, (2) $292,526,000 for agents' commissions and taxes, and (3) $3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

ADMINISTRATIVE PROVISION

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a methodology for assessment and collection of fees to be assessed and collected beginning in fiscal year 1996 applicable to persons subject to the Federal Emergency Management Agency's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1996 shall approximate, but not be less than, 100 per centum of the amounts anticipated by the Federal Emergency Management Agency to be obligated for its radiological emergency preparedness program for such fiscal year. The methodology for assessment and collection of fees shall be fair and equitable, and shall reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. Such fees will be assessed in a manner that reflects the use of agency resources for classes of regulated persons and

the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1996.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,061,000, to be deposited into the Consumer Information Center Fund: Provided, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1996 shall not exceed $2,602,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1996 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $1,800,000: Provided, That notwithstanding any other provision of law, that Office may accept and deposit to this account, during fiscal year 1996, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to $1,110,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriations Act: Provided further, That none of the funds provided under this heading may be made available for any other activities within the Department of Health and Human Services.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,456,600,000, to remain available until September 30, 1997.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, for the conduct and support of science, aeronautics, and technology research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,928,900,000, to remain available until September 30, 1997.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; $2,502,200,000, to remain available until September 30, 1997.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $16,000,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, the amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in ''Mission support'' pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 1998.

Notwithstanding the limitation on the availability of funds appropriated for ''Mission support'' and ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 1996 and may be used to enter into contracts for training, investigations, cost associated with personnel relocation, and for other services, to be provided during the next fiscal year.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides funds for such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund to be available for the same purposes and under the same terms and conditions.

Upon the determination by the Administrator that such action is necessary, the Administrator may, with the approval of the Office of Management and Budget, transfer not to exceed $50,000,000 of funds made available in this Act to the National Aeronautics and Space Administration between such appropriations or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen requirements, than those for which originally appropriated: Provided further, That the Administrator of the National Aeronautics and Space Administration shall notify the Congress promptly of all transfers made pursuant to this authority.

Notwithstanding section 202 of Public Law 104–99, section 212 of Public Law 104–99 shall remain in effect as if enacted as part of this Act.

Within its Mission to Planet Earth program, NASA is urged to fund Phase A studies for a radar satellite initiative.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1996, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 1996 shall not exceed $560,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $2,314,000,000, of which not to exceed $235,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 1997: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

MAJOR RESEARCH EQUIPMENT

For necessary expenses in carrying out major construction projects, and related expenses, pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $70,000,000, to remain available until expended.

ACADEMIC RESEARCH INFRASTRUCTURE

For necessary expenses in carrying out an academic research infrastructure program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $100,000,000, to remain available until September 30, 1997.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $599,000,000, to remain available until September 30, 1997: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109;

hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $127,310,000: Provided, That contracts may be entered into under salaries and expenses in fiscal year 1996 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,490,000, to remain available until September 30, 1997.

NATIONAL SCIENCE FOUNDATION HEADQUARTERS RELOCATION

For necessary support of the relocation of the National Science Foundation, $5,200,000: Provided, That these funds shall be used to reimburse the General Services Administration for services and related acquisitions in support of relocating the National Science Foundation.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $38,667,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $22,930,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by the Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1996 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

RESOLUTION TRUST CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $11,400,000.

TITLE V

GENERAL PROVISIONS

SEC. 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: Provided, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for Level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 509. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 510. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 511. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 512. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 513. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 514. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 515. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 516. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

SEC. 517. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 518. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 519. In fiscal year 1996, the Director of the Federal Emergency Management Agency shall sell the disaster housing inventory of mobile homes and trailers, and the proceeds thereof shall be deposited in the Treasury.

SEC. 520. Such funds as may be necessary to carry out the orderly termination of the Office of Consumer Affairs shall be made available from funds appropriated to the Department of Health and Human Services for fiscal year 1996.

SEC. 521. Upon enactment of this Act, the provisions of section 201(b) of Public Law 104–99, except the last proviso, are superseded.

This Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996''.

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

Of the funds appropriated by Public Law 104–37 or otherwise made available to the Food Safety and Inspection Service for fiscal year 1996, not less than $363,000,000 shall be available for salaries and benefit of in-plant personnel: Provided, That this limitation shall not apply if the Secretary of Agriculture certifies to the House and Senate Committees on Appropriations that a lesser amount will be adequate to fully meet in-plant inspection requirements for the fiscal year.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'' to repair damages to waterways and watersheds resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, and other natural disasters, $80,514,000, to remain available until expended: Provided, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts, not to exceed $7,288,000, from funds provided under this heading to accept bids from willing sellers to provide conservation easements for such cropland inundated by floods as provided for by the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837): Provided further, That the entire amount shall be available only to the extent that an official budget request for $80,514,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSOLIDATED FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205) for expenses resulting from floods in the Pacific Northwest and other natural disasters, $30,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for ''Rural housing insurance fund program account'' for the additional cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, Hurricane Marilyn, and other natural disasters, to be available from funds in the rural housing insurance fund as follows: $5,000,000 for section 502 direct loans and $1,500,000 for section 504 housing repair loans, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for ''Very low-income housing repair grants'' under section 504 of the Housing Act of 1949, as amended, for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, Hurricane Marilyn, and other natural disasters, $1,100,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for the ''Rural Utilities Assistance Program'' for the cost of direct loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, to assist in the recovery from flooding in the Pacific Northwest and other natural disasters, $11,000,000, to remain available until expended: Provided, That such funds may be available for emergency community water assistance grants as authorized by 7 U.S.C. 1926b: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

SEC. 2001. SEAFOOD SAFETY.

Notwithstanding any other provision of law, any domestic fish or fish product produced in compliance with food safety standards or procedures accepted by the Food and Drug Administration as satisfying the requirements of the ''Procedures for the Safe and Sanitary Processing and Importing of Fish and Fish Products'' (published by the Food and Drug Administration as a final regulation in the Federal Register of December 18, 1995), shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal agency for any Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) except that the Department of Agriculture or other Federal agency may utilize lot inspection to establish a reasonable degree of certainty that fish or fish products purchased under a Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), meet Federal product specifications.

SEC. 2002. Notwithstanding any other provision of law, the Secretary of Agriculture is hereby authorized to make or guarantee an operating loan under Subtitle B or an emergency loan under Subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et. seq.), as in effect prior to April 4, 1996, to a loan applicant who was less than 90 days delinquent on April 4, 1996, if the loan applicant had submitted an application for the loan prior to April 5, 1996.

CHAPTER 1A

FOOD AND DRUG EXPORT REFORM

SEC. 2101. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This chapter may be cited as the ''FDA Export Reform and Enhancement Act of 1996''.

(b) REFERENCE.—Wherever in this chapter (other than in section 2104) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act. (21 U.S.C. 321 et seq.)

SEC. 2102. EXPORT OF DRUGS AND DEVICES.

(a) IMPORTS FOR EXPORT.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (d), by adding at the end thereof the following:

''(3) No component of a drug, no component part or accessory of a device which is ready or suitable for use for health-related purposes, and no food additive, color additive, or dietary supplement, including a product in bulk form, shall be excluded from importation into the United States under subsection (a) if—

''(A) the importer of such article of a drug or device or importer of the food additive, color additive, or dietary supplement submits a statement to the Secretary, at the time of initial importation, that such article of a drug or device, food additive, color additive, or dietary supplement is intended to be incorporated by the initial owner or consignee into a drug, biological product, device, food, food additive, color additive, or dietary supplement that will be exported by such owner or consignee from the United States in accordance with section 801(e) or 802 or section 351(h) of the Public Health Service Act;

''(B) the initial owner or consignee responsible for such imported article maintains records that identify the use of such imported article and upon request of the Secretary submits a report that provides an accounting of the exportation or the disposition of the imported article, including portions that have been destroyed, and the manner in which such person complied with the requirements of this paragraph; and

''(C) any imported component, part, or accessory of a drug or device and any food additive, color additive, or dietary supplement not incorporated as described in subparagraph (A) is destroyed or exported by the owner or consignee.''

''(4) The importation into the United States of blood, blood components, source plasma, or source leukocytes or of a component, accessory, or part thereof is not permitted pursuant to paragraph (3) unless the importation complies with section 351(a) of the Public Health Service Act or the Secretary permits the importation under appropriate circumstances and conditions, as determined by the Secretary. The importation of tissue or a component or part of tissue is not permitted pursuant to paragraph (3) unless the importation complies with section 361 of the Public Health Service Act.'';

(b) EXPORT OF CERTAIN PRODUCTS.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (e)(1), by striking the second sentence;

(2) in subsection (e)(2)—

(A) by striking ''the Secretary'' and inserting ''either (i) the Secretary''; and

(B) by inserting before the period at the end thereof the following: ''or (ii) the device is eligible for export under section 802''; and

(3) in subsection (e), by adding at the end thereof the following:;

''(3) A new animal drug that requires approval under section 512 shall not be exported pursuant to paragraph (1) if such drug has been banned in the United States.

''(4)(A) Any person who exports a drug, animal drug, or device may request that the Secretary—

''(i) certify in writing that the exported drug, animal drug, or device meets the requirements of paragraph (1) or section 802; or

''(ii) certify in writing that the drug, animal drug, or device being exported meets the applicable requirements of this Act upon a showing that the drug or device meets the applicable requirements of this Act.

The Secretary shall issue such a certification within 20 days of the receipt of a request for such certification.

''(B) If the Secretary issues a written export certification within the 20 days prescribed by subparagraph (A), a fee for such certification may be charged but shall not exceed $175 for each certification. Fees collected for a fiscal year pursuant to this subparagraph shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and shall be available in accordance with appropriations Acts until expended without fiscal year limitation. Such fees shall be collected in each fiscal year in an amount equal to the amount specified in appropriations Acts for such fiscal year and shall only be collected and available for the costs of the Food and Drug Administration.''.

(c) LABELING OF EXPORTED DRUGS.—Section 801 (21 U.S.C. 381) is amended by adding at the end the following:

''(f)(1) If a drug being exported in accordance with subsection (e) is being exported to a country that has different or additional labeling requirements or conditions for use and such country requires the drug to be labeled in accordance with those requirements or uses, such drug may be labeled in accordance with such requirements and conditions for use in the country to which such drug is being exported if it also is labeled in accordance with the requirements of this Act.

''(2) If, pursuant to paragraph (1), the labeling of an exported drug includes conditions for use that have not been approved under this Act, the labeling must state that such conditions for use have not been approved under this Act.''.

(d) EXPORT OF CERTAIN UNAPPROVED DRUGS AND DEVICES.—

(1) AMENDMENT.—Section 802 (21 U.S.C. 382) is amended to read as follows:

''EXPORTS OF CERTAIN UNAPPROVED PRODUCTS

''SEC. 802. (a) A drug or device—

''(1) which, in the case of a drug—

''(A)(i) requires approval by the Secretary under section 505 before such drug may be introduced or delivered for introduction into interstate commerce; or

''(ii) requires licensing by the Secretary under section 351 of the Public Health Service Act or by the Secretary of Agriculture under the Act of March 4, 1913 (known as the Virus-Serum Toxin Act) before it may be introduced or delivered for introduction into interstate commerce;

''(B) does not have such approval or license; and

''(C) is not exempt from such sections or Act; and

''(2) which, in the case of a device—

''(A) does not comply with an applicable requirement under section 514 or 515;

''(B) under section 520(g) is exempt from either such section; or

''(C) is a banned device under section 516, is adulterated, misbranded, and in violation of such sections or Act unless the export of the drug or device is, except as provided in subsection (f), authorized under subsection (b), (c), (d), or (e) or section 801(e)(2). If a drug or device described in paragraphs (1) and (2) may be exported under subsection (b) and if an application for such drug or device under section 505 or 515 or section 351 of the Public Health Service Act was disapproved, the Secretary shall notify the appropriate public health official of the country to which such drug will be exported of such disapproval.

''(b)(1)(A) A drug or device described in subsection (a) may be exported to any country, if the drug or device complies with the laws of that country and has valid marketing authorization by the appropriate authority—

''(i) in Australia, Canada, Israel, Japan, New Zealand, Switzerland, or South Africa; or

''(ii) in the European Union or a country in the European Economic Area (the countries in the European Union and the European Free Trade Association) if the drug or device is marketed in that country or the drug or device is authorized for general marketing in the European Economic Area.

''(B) The Secretary may designate an additional country to be included in the list of countries described in clauses (i) and (ii) of subparagraph (A) if all of the following requirements are met in such country:

''(i) Statutory or regulatory requirements which require the review of drugs and devices for safety and effectiveness by an entity of the government of such country and which authorize the approval of only those drugs and devices which have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs and devices on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs and devices.

''(ii) Statutory or regulatory requirements that the methods used in, and the facilities and controls used for—

''(I) the manufacture, processing, and packing of drugs in the country are adequate to preserve their identity, quality, purity, and strength; and

''(II) the manufacture, preproduction design validation, packing, storage, and installation of a device are adequate to assure that the device will be safe and effective.

''(iii) Statutory or regulatory requirements for the reporting of adverse reactions to drugs and devices and procedures to withdraw approval and remove drugs and devices found not to be safe or effective.

''(iv) Statutory or regulatory requirements that the labeling and promotion of drugs and devices must be in accordance with the approval of the drug or device.

''(v) The valid marketing authorization system in such country or countries is equivalent to the systems in the countries described in clauses (i) and (ii) of subparagraph (A).

The Secretary shall not delegate the authority granted under this subparagraph.

''(C) An appropriate country official, manufacturer, or exporter may request the Secretary to take action under subparagraph (B) to designate an additional country or countries to be added to the list of countries described in clauses (i) and (ii) of subparagraph (A) by submitting documentation to the Secretary in support of such designation. Any person other than a country requesting such designation shall include, along with the request, a letter from the country indicating the desire of such country to be designated.

''(2) A drug described in subsection (a) may be directly exported to a country which is not listed in clause (i) or (ii) of paragraph (1)(A) if—

''(A) the drug complies with the laws of that country and has valid marketing authorization by the responsible authority in that country; and

''(B) the Secretary determines that all of the following requirements are met in that country:

''(i) Statutory or regulatory requirements which require the review of drugs for safety and effectiveness by an entity of the government of such country and which authorize the approval of only those drugs which have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs.

''(ii) Statutory or regulatory requirements that the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country are adequate to preserve their identity, quality, purity, and strength.

''(iii) Statutory or regulatory requirements for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective.

''(iv) Statutory or regulatory requirements that the labeling and promotion of drugs must be in accordance with the approval of the drug.

''(3) The exporter of a drug described in subsection (a) which would not meet the conditions for approval under this Act or conditions for approval of a country described in clause (i) or (ii) of paragraph (1)(A) may petition the Secretary for authorization to export such drug to a country which is not described in clause (i) or (ii) of paragraph (1)(A) or which is not described in paragraph (2). The Secretary shall permit such export if—

''(A) the person exporting the drug—

''(i) certifies that the drug would not meet the conditions for approval under this Act or the conditions for approval of a country described in clause (i) or (ii) of paragraph (1)(A); and

''(ii) provides the Secretary with credible scientific evidence, acceptable to the Secretary, that the drug would be safe and effective under the conditions of use in the country to which it is being exported; and

''(B) the appropriate health authority in the country to which the drug is being exported—

''(i) requests approval of the export of the drug to such country;

''(ii) certifies that the health authority understands that the drug is not approved under this Act or in a country described in clause (i) or (ii) of paragraph (1)(A); and

''(iii) concurs that the scientific evidence provided pursuant to subparagraph (A) is credible scientific evidence that the drug would be reasonably safe and effective in such country.

The Secretary shall take action on a request for export of a drug under this paragraph within 60 days of receiving such request.

''(c) A drug or device intended for investigational use in any country described in clause (i) or (ii) of subsection (b)(1)(A) may be exported in accordance with the laws of that country and shall be exempt from regulation under section 505(i) or 520(g).

''(d) A drug or device intended for formulation, filling, packaging, labeling, or further processing in anticipation of market authorization in any country described in clause (i) or (ii) of subsection (b)(1)(A) may be exported for use in accordance with the laws of that country.

''(e)(1) A drug or device which is used in the diagnosis, prevention, or treatment of a tropical disease or another disease not of significant prevalence in the United States and which does not otherwise qualify for export under this section shall, upon approval of an application, be permitted to be exported if the Secretary finds that the drug or device will not expose patients in such country to an unreasonable risk of illness or injury and the probable benefit to health

from the use of the drug or device (under conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling of the drug or device) outweighs the risk of injury or illness from its use, taking into account the probable risks and benefits of currently available drug or device treatment.

''(2) The holder of an approved application for the export of a drug or device under this subsection shall report to the Secretary—

''(A) the receipt of any credible information indicating that the drug or device is being or may have been exported from a country for which the Secretary made a finding under paragraph (1)(A) to a country for which the Secretary cannot make such a finding; and

''(B) the receipt of any information indicating adverse reactions to such drug.

''(3)(A) If the Secretary determines that—

''(i) a drug or device for which an application is approved under paragraph (1) does not continue to meet the requirements of such paragraph; or

''(ii) the holder of an approved application under paragraph (1) has not made the report required by paragraph (2),

the Secretary may, after providing the holder of the application an opportunity for an informal hearing, withdraw the approved application.

''(B) If the Secretary determines that the holder of an approved application under paragraph (1) or an importer is exporting a drug or device from the United States to an importer and such importer is exporting the drug or device to a country for which the Secretary cannot make a finding under paragraph (1) and such export presents an imminent hazard, the Secretary shall immediately prohibit the export of the drug or device to such importer, provide the person exporting the drug or device from the United States prompt notice of the prohibition, and afford such person an opportunity for an expedited hearing.

''(f) A drug or device may not be exported under this section—

''(1) if the drug or device is not manufactured, processed, packaged, and held in substantial conformity with current good manufacturing practice requirements or does not meet international standards as certified by an international standards organization recognized by the Secretary;

''(2) if the drug or device is adulterated under clause (1), (2)(A), or (3) of section 501(a) or subsection (c) or (d) of section 501;

''(3) if the requirements of subparagraphs (A) through (D) of section 801(e)(1) have not been met;

''(4)(A) if the drug or device is the subject of a notice by the Secretary or the Secretary of Agriculture of a determination that the probability of reimportation of the exported drug or device would present an imminent hazard to the public health and safety of the United States and the only means of limiting the hazard is to prohibit the export of the drug or device; or

''(B) if the drug or device presents an imminent hazard to the public health of the country to which the drug or device would be exported;

''(5) if the drug or device is not labeled—

''(A) in accordance with the requirements and conditions for use in—

''(i) the country in which the drug or device received valid marketing authorization under subsection (b); and

''(ii) the country to which the drug or device would be exported; and

''(B) in the language and units of measurement of the country to which the drug or device would be exported or in the language designated by such country; or

''(6) if the drug or device is not promoted in accordance with the labeling requirements set forth in paragraph (5).

In making a finding under paragraph (4)(B), (5), or (6) the Secretary shall consult with the appropriate public health official in the affected country.

''(g) The exporter of a drug or device exported under subsection (b)(1) shall provide a simple notification to the Secretary identifying the drug or device when the exporter first begins to export such drug or device to any country listed in clause (i) or (ii) of subsection (b)(1)(A). When an exporter of a drug or device first begins to export a drug or device to a country which is not listed in clause (i) or (ii) of subsection (b)(1)A), the exporter shall provide a simple notification to the Secretary identifying the drug or device and the country to which such drug or device is being exported. Any exporter of a drug or device shall maintain records of all drugs or devices exported and the countries to which they were exported.

''(h) For purposes of this section—

''(1) a reference to the Secretary shall in the case of a biological product which is required to be licensed under the Act of March 4, 1913 (37 Stat. 832–833) (commonly known as the Virus-Serum Toxin Act) be considered to be a reference to the Secretary of Agriculture, and

''(2) the term 'drug' includes drugs for human use as well as biologicals under section 351 of the Public Health Service Act or the Act of March 4, 1913 (37 Stat. 832–833) (commonly known as the Virus-Serum Toxin Act).''.

(2) CONFORMING AMENDMENTS.—Section 351(h) of the Public Health Service Act (42 U.S.C. 262(h)) is amended by striking ''802(b)(A)'' and inserting ''802(b)(1)'' and by striking ''802(b)(4)'' and inserting ''802(b)(1)''.

SEC. 2103. PROHIBITED ACT.

Section 301 (21 U.S.C. 331) is amended—

(1) by redesignating the second subsection (u) as subsection (v); and

(2) by adding at the end thereof the following:

''(w) The making of a knowingly false statement in any record or report required or requested under subparagraph (A) or (B) of section 801(d)(3), the failure to submit or maintain records as required by sections 801(d)(3)(A) and 801(d)(3)(B), the release into interstate commerce of any article imported into the United States under section 801(d)(3) or any finished product made from such article (except for export in accordance with section 801(e) or 802 or section 351(h) of the Public Health Service Act), or the failure to export or destroy any component, part or accessory not incorporated into a drug, biological product or device that will be exported in accordance with section 801(e) or 802 or section 351(h) of the Public Health Service Act.''.

SEC. 2104. PARTIALLY PROCESSED BIOLOGICAL PRODUCTS.

Subsection (h) of section 351 of the Public Health Service Act (42 U.S.C. 262) is amended to read as follows:

''(h) A partially processed biological product which—

''(1) is not in a form applicable to the prevention, treatment, or cure of diseases or injuries of man;

''(2) is not intended for sale in the United States; and

''(3) is intended for further manufacture into final dosage form outside the United States,

shall be subject to no restriction on the export of the product under this Act or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) if the product is manufactured, processed, packaged, and held in conformity with current good manufacturing practice requirements or meets international manufacturing standards as certified by an international standards organization recognized by the Secretary and meets the requirements of section 801(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)).''.

SEC. 2105. (a) IN GENERAL.—Any owner on the date of enactment of this Act of the right to market a nonsteroidal antiinflammatory drug that—

(1) contains a previously patented active agent;

(2) has been reviewed by the Federal Food and Drug Administration for a period of more than 120 months as a new drug application; and

(3) was approved as safe and effective by the Federal Food and Drug Administration on October 29, 1992,

shall be entitled, for the 2-year period beginning on October 29, 1997, to exclude others from making, using, offering for sale, selling, or importing into the United States such active agent, in accordance with section 154(a)(1) of title 35, United States Code.

(b) INFRINGEMENT.—Section 271 of title 35, United States Code shall apply to the infringement of the entitlement provided under subsection (a). No application described in section 271(e)(2)(A) of title 35, United States Code, regardless of purpose, may be submitted prior to the expiration of the entitlement provided under subsection (a).

(c) NOTIFICATION.—Not later than 30 days after the date of the enactment of this Act, any owner granted an entitlement under subsection (a) shall notify the Commissioner of Patents and Trademarks and the Secretary for Health and Human Services of such entitlement. Not later than 7 days after the receipt of such notice, the Commissioner and the Secretary shall publish an appropriate notice of the receipt of such notice.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for emergency expenses including mitigation relating to flooding and other natural disasters, $18,000,000, to remain available until expended, for grants and related expenses pursuant to the Public Works and Economic Development Act of 1965, as amended, and for administrative expenses which may be transferred to and merged with the appropriations for ''Salaries and expenses'': Provided, That the entire amount is hereby designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

For an additional amount for ''Construction'' for emergency expenses resulting from flooding in the Pacific Northwest and other natural disasters, $7,500,000, to remain available until expended: Provided, That the entire amount is hereby designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for ''Disaster Loans Program Account'', $71,000,000 for the cost of direct loans, to remain available until expended:

Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; and for administrative expenses to carry out the disaster loan program, $29,000,000, to remain available until expended: Provided, That both amounts are hereby designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

Any funds heretofore appropriated and made available in Public Law 102–104 and Public Law 102–377 to carry out the provisions for the project for navigation, St. Louis Harbor, Missouri and Illinois; may be utilized by the Secretary of the Army in carrying out the Upper Mississippi and Illinois Waterway System Navigation Study, Iowa, Illinois, Missouri, Wisconsin, Minnesota, in fiscal year 1996 or until expended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for ''Operation and Maintenance, General'', for the Northeast and Northwest floods of 1996, $30,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', for the Northeast and Northwest floods of 1996 and other disasters, and to replenish funds transferred pursuant to Public Law 84–99, $135,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(D)(2)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

For an additional amount for the ''Construction Program'', $9,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(D)(2)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities'', for the Materials Protection, Control and Accounting program, $15,000,000 to remain available until expended, not withstanding any other provision of law.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(TRANSFER OF FUNDS)

$5,500,000 of funds appropriated under this heading in the Energy and Water Development Appropriations Act, 1995 (Public Law 103–316), shall be transferred to the appropriation account ''Operation and Maintenance, Alaska Power Administration'', to remain available until expended, only for necessary termination expenses.

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS FOR DEFENSE OF ISRAEL AGAINST TERRORISM

For emergency expenses necessary to meet unanticipated needs for the acquisition and provision of goods, services, and/or grants for Israel necessary to support the eradication of terrorism in and around Israel, $50,000,000: Provided, That none of the funds appropriated in this paragraph shall be available for obligation except through the regular notification procedures of the Committees on Appropriations: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY ASSISTANCE

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'' for grants for Jordan pursuant to section 23 of the Arms Export Control Act, $70,000,000: Provided, That such funds may be used for Jordan to finance transfers by lease of defense articles under chapter 6 of such Act.

CHAPTER 5

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION AND ACCESS

For an additional amount for ''Construction and Access'', $5,000,000, to remain available until expended, to repair roads, culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites, damaged due to the Pacific Northwest flooding: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $758,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for ''Oregon and California Grant Lands'', $35,000,000, to remain available until expended, to repair roads, culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites, damaged due to the Pacific Northwest flooding: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $15,452,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for Resource Management, $1,600,000, to remain available until expended, to provide technical assistance to the Natural Resource Conservation Service, the Federal Emergency Management Agency, the United States Army Corps of Engineers and other agencies on fish and wildlife habitat issues related to damage caused by floods, storms and other acts of nature: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for ''Construction'', $37,300,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature, and to protect natural resources: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $16,795,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for ''Construction'', $47,000,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $13,399,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, investigations, and research'', $2,000,000, to remain available until September 30, 1997, for the costs related to hurricanes, floods and other acts of nature: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $824,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for ''Operation of Indian Programs'', $500,000, to remain available until September 30, 1997, for emergency operations and repairs related to winter floods: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for ''Construction'', $16,500,000, to remain available until expended, for emergency repairs related to winter floods: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $7,072,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for ''Assistance to Territories'', $13,000,000, to remain available until expended, for recovery efforts from Hurricane Marilyn: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $11,000,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for ''National Forest System'', $26,600,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $6,600,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for ''Construction'', $60,800,000, to remain available until expended: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $20,800,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 6

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For an additional amount for ''North Atlantic Treaty Organization Security Investment Program'', $37,500,000, to remain available until expended: Provided, That the Secretary of Defense may make additional contributions for the North Atlantic Treaty Organization as provided in section 2806 of title 10, United States Code: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION

SEC. 2601. LAND CONVEYANCE, U.S. ARMY RESERVE, GREENSBORO, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Hale County, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 5.17 acres and located in Greensboro, Alabama, that was conveyed by Hale County, Alabama, to the United States by warranty deed dated September 12, 1988.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be as described in the deed referred to in that subsection.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

CHAPTER 7

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $257,200,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $11,700,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $2,600,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $27,300,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $241,500,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $900,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $173,000,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $79,800,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $26,000,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 2701. Section 8005 of the Department of Defense Appropriations Act, 1996 (Public Law 104–61), is amended by striking out ''$2,400,000,000'' and inserting in lieu thereof ''$3,100,000,000'': Provided, That the additional transfer authority provided herein shall be available only to the extent funds are transferred, or have been transferred, during the current fiscal year to cover the costs associated with United States military operations in support of the NATO-led Peace Implementation Force (IFOR) in and around the former Yugoslavia.

SEC. 2702. Notwithstanding any other provision of law, funds appropriated in the Department of Defense Appropriations Act, 1996 (Public Law 104–61) under the heading ''Aircraft Procurement, Air Force'' may be obligated for advance procurement and procurement of F–15E aircraft.

SEC. 2703. (a) Funds appropriated under the heading, ''Aircraft Procurement, Air Force'', in Public Laws 104–61, 103–335 and 103–139 that are or remain available for C–17 airframes, C–17 aircraft engines, and complementary widebody aircraft/NDAA may be used for multiyear procurement contracts for C–17 aircraft: Provided, That the duration of multiyear contracts awarded under the authority of this subsection may be for a period not to exceed seven program years, notwithstanding section 2306b(k) of title 10, United States Code: Provided further, That the funds referred to in this subsection also may be used for advance procurement for up to ten C–17 aircraft in fiscal year 1997: Provided further, That the advance procurement funds referred to in this subsection may be used to fund Economic Order Quantities for up to eighty aircraft.

(b) Immediately upon enactment of this Act, the Secretary of Defense shall enter into negotiations with the C–17 aircraft and engine prime contractors for a baseline fixed price contract for multiyear procurement of eighty C–17 aircraft over a period of seven program years, and alternatives for multiyear procurement of eighty C–17 aircraft over a period of six program years.

(c) The authority to award a multiyear contract as provided in subsection (a) shall not be effective until the Secretary of Defense certifies to the Congressional defense committees that the Air Force will realize a savings of more than 5 percent in the total flyaway price for the eighty C–17 aircraft under a C–17 multiyear contract as compared to annual lot procurement of the aircraft at the maximum affordable rate profile approved in the November 3, 1995, Acquisition Decision Memorandum: Provided, That these savings shall exceed the estimates presented in the ''Multiyear Procurement Criteria Program: C–17'' documents submitted pursuant to the request for a fiscal year 1996 supplemental appropriation transmitted to the Congress.

(d) The authority under subsection (a) may not be used to execute a multiyear procurement

contract until the earlier of (1) May 24, 1996, or (2) the day after the date of the enactment of an Act that contains a provision authorizing the Department of Defense to enter into a multiyear contract for the C–17 aircraft program.

(e) Not later than May 24, 1996, the Secretary of Defense shall submit to the Congressional defense committees a report providing a detailed program plan for the six-year multiyear procurement program; such report also shall include the latest estimate of any additional savings potentially generated from such an accelerated multiyear procurement of C–17 aircraft.

SEC. 2704. In addition to the amounts made available in Public Law 104–61 under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $50,000,000 is hereby appropriated and made available to continue the activities of the semiconductor manufacturing consortium known as Sematech.

(TRANSFER OF FUNDS)

SEC. 2705. Of the funds appropriated in title II of Public Law 104–61, under the heading ''Overseas Humanitarian, Disaster, and Civic Aid'', for training and activities related to the clearing of landmines for humanitarian purposes, up to $15,000,000 may be transferred to ''Operation and Maintenance, Defense-Wide'', to be available for the payment of travel, transportation and subsistence expenses of Department of Defense personnel incurred in carrying out humanitarian assistance activities related to the detection and clearance of landmines.

SEC. 2706. Notwithstanding any other provision of law, $15,000,000 of the amount made available in title II, under the heading ''Operation and Maintenance, Army'' in Public Law 104–61 shall be paid to National Presto Industries, Inc. for the purpose of environmental restoration at the National Presto Industries, Inc. site in Eau Claire, Wisconsin, in recognition of the 1988 Agreement between the Department of the Army and National Presto Industries, Inc.

SEC. 2707. (a)(1) Section 1177 of title 10, United States Code, relating to mandatory discharge or retirement of members of the Armed Forces infected with HIV–1 virus, is repealed.

(2) The table of sections at the beginning of chapter 59 of such title is amended by striking out the item relating to section 1177.

(b) Subsection (b) of section 567 of the National Defense Authorization Act for Fiscal Year 1996 is repealed.

SEC. 2708. In addition to the amounts made available in title II of Public Law 104–61, under the heading ''Operation and Maintenance, Air Force'', $44,900,000 is hereby appropriated and made available for the operation and maintenance of 94 B–52H bomber aircraft in active status or in attrition reserve.

SEC. 2709. In addition to the amounts made available in title IV of Public Law 104–61, under the heading ''Research, Development, Test and Evaluation, Navy'', $10,000,000 is hereby appropriated and made available for Shallow Water Mine Countermeasure Demonstrations, of which $5,000,000 shall be made available for the Advanced Lightweight Influence Sweep System Development program.

(TRANSFER OF FUNDS)

SEC. 2710. Of the funds appropriated or otherwise made available in title VI of Public Law 104–61, under the heading ''Defense Health Program'', $8,000,000 are transferred to and merged with funds appropriated or otherwise made available under title IV of that Act under the heading ''Research, Development, Test and Evaluation, Army'' and shall be available only for obligation and expenditure for advanced research into neurofibromatosis.

SEC. 2711. Of the funds available to the Department of Defense in title VI, Public Law 104–61, under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'', $220,000 shall be made available only for the procurement of Kevlar vests for personal protection of counter-drug personnel: Provided, That notwithstanding any other provision of law, the Department is authorized to transfer these Kevlar vests to local counter-drug personnel in high crime areas.

SEC. 2712. Before the period at the end of Section 8105 of Public Law 104–61, insert the following: '': Provided, That the Department of Defense shall release to the Department of the Air Force all such funds not later than May 31, 1996, and the Air Force shall obligate all such funds in compliance with this section not later than June 30, 1996''.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

The first proviso under the head ''Payments to Air Carriers'' in Title I of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104–50), is amended to read as follows: ''Provided, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of $22,600,000 from the Airport and Airway Trust Fund for the Payments to Air Carriers program in fiscal year 1996:''.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States and other disasters, $300,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the provisions of 23 U.S.C. 125(b)(1) shall not apply to projects relating to the January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States.

FEDERAL TRANSIT ADMINISTRATION

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For an additional amount for payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, $375,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

OTHER INDEPENDENT AGENCIES

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For an additional amount for administrative expenses, $2,000,000, to be derived from the Panama Canal Revolving Fund.

GENERAL PROVISIONS

SEC. 2801. Notwithstanding any other provision of law, limitations deducted pursuant to the provisions of Section 310 of the Department of Transportation and Related Agencies Appropriations Act, 1996, for discretionary programs and the limitation on general operating expenses for both annual and no-year programs, not to exceed $28,000,000 shall be available for making obligations for construction of a new Hannibal Bridge in Hannibal, Missouri; Provided further, That such limitation shall be restored to categories from which it was transferred before making redistribution of obligation in August of 1996 as provided by Section 310 of the Act.

SEC. 2802. Notwithstanding any other provision of law, of the funds identified for distribution to the State of Vermont and the Marble Valley Regional Transit District in the matter under the heading ''HIGHWAY TRUST FUND'', under the heading ''LIMITATION ON OBLIGATIONS'', under the heading ''DISCRETIONARY GRANTS'' in the explanatory statement for the conference report to accompany H.R. 2002. House of Representatives report numbered 104–286, an amount not to exceed $3,500,000 may be used for improvements to support commuter rail operations on the Clarendon-Pittsford rail line between White Hall, New York, and Rutland, Vermont.

SEC. 2803. In amending parts 119, 121, 125, or 135 of title 14, Code of Federal Regulations in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator deems appropriate effective through June 1, 1997.

SEC. 2804. Notwithstanding any other provision of law, $23,909,325 funds made available under Public Law 103–122 together with $21,534,347 funds made available under Public Law 103–331 for the ''Chicago Central Area Circulator Project'' shall be available only for the purposes of constructing a 5.2 mile light rail loop within the downtown Chicago business district as described in the full funding grant agreement signed on December 15, 1994, and shall not be available for any other purposes.

CHAPTER 9

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses,'' $3,400,000.

GENERAL PROVISIONS

SEC. 2901. Title I of Public Law 104–52 is hereby amended by deleting '''' not to exceed $1,406,000,'' under the heading ''CUSTOMS SERVICES AT SMALL AIRPORTS''.

SEC. 2902. Title I of Public Law 104–52 is hereby amended by adding the following new section under the heading ''ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE'';

''SEC. 3. The funds provided in this Act shall be used to provide a level of service, staffing, and funding for Taxpayer Services Division operations which is not less than that provided in fiscal year 1995.''.

SEC. 2903. Title III of Public Law 104–52 is hereby amended by adding the following proviso before the last period under the heading ''OFFICE OF NATIONAL DRUG CONTROL POLICY, SALARIES AND EXPENSES'': '': Provided, That of the amounts available to the Counter-Drug Technology Assessment Center, no less than $1,000,000 shall be dedicated to conferences on model state drug laws''.

SEC. 2904. COMPOSITION OF NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Section 637(b)(2) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52, 109 Stat. 509) is amended—

(1) by striking ''thirteen'' and inserting ''seventeen'', and

(2) in subparagraphs (B) and (D)—

(A) by striking ''Two'' and inserting ''Four'', and

(B) by striking ''one from private life'' and inserting ''three from private life''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Treasury, Postal Service, and General Government Appropriations Act, 1996.

CHAPTER 10

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for ''Community development grants'', $50,000,000, to remain available until September 30, 1998, for emergency expenses and repairs related to recent Presidentially declared flood disasters, including up to $10,000,000 which may be for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the United States Housing Act of 1937, as amended, except that such amount shall be available only for temporary housing assistance, not in excess of one year in duration, and shall not be subject to renewal: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 104–19 up to $104,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $119,000,000 under section 417 of the Stafford Act: Provided further, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: Provided further, That the entire amount of this appropriation shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

SEC. 21101. In administering funds provided in this title for domestic assistance, the Secretary of any involved department may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use of the recipient of these funds, except for the requirement related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds would not be inconsistent with the overall purpose of the statute or regulation.

SEC. 21102. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 21103. Notwithstanding section 106 of Public Law 104–99, sections 118, 121, and 129 of Public Law 104–99 shall remain in effect as if enacted as part of this Act.

SEC. 21104. The President may make available funds for assistance activities under titles II and IV of P.L. 104–107, beginning immediately upon enactment of this Act and without regard to monthly apportionment limitations, notwithstanding the provisions of section 518A of such Act, if he determines and reports to the Congress that the effects of the restrictions contained in that section would be that the demand for family planning services would be less likely to be met and that there would be a significant increase in abortions than would otherwise be the case in the absence of such restrictions; Provided, That none of the funds appropriated or otherwise made available in P.L. 104–107 may be made available for obligation for the major foreign donor federation of international population assistance except through the regular notifications procedures of the Committees on Appropriations.

This title may be cited as the ''Supplemental Appropriations Act of 1996''.

TITLE III

RESCISSIONS AND OFFSETS

CHAPTER 1

ENERGY AND WATER DEVELOPMENT

SUBCHAPTER A—UNITED STATES ENRICHMENT CORPORATION PRIVATIZATION

SEC. 3101. SHORT TITLE.

This subchapter may be cited as the ''USEC Privatization Act''.

SEC. 3102. DEFINITIONS.

For purposes of this subchapter:

(1) The term ''AVLIS'' means atomic vapor laser isotope separation technology.

(2) The term ''Corporation'' means the United States Enrichment Corporation and, unless the context otherwise requires, includes the private corporation and any successor thereto following privatization.

(3) The term ''gaseous diffusion plants'' means the Paducah Gaseous Diffusion Plant at Paducah, Kentucky and the Portsmouth Gaseous Diffusion Plant at Piketon, Ohio.

(4) The term ''highly enriched uranium'' means uranium enriched to 20 percent or more of the uranium-235 isotope.

(5) The term ''low-enriched uranium'' means uranium enriched to less than 20 percent of the uranium-235 isotope, including that which is derived from highly enriched uranium.

(6) The term ''low-level radioactive waste'' has the meaning given such term in section 2(9) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b(9)).

(7) The term ''private corporation'' means the corporation established under section 3105.

(8) The term ''privatization'' means the transfer of ownership of the Corporation to private investors.

(9) The term ''privatization date'' means the date on which 100 percent of the ownership of the Corporation has been transferred to private investors.

(10) The term ''public offering'' means an underwritten offering to the public of the common stock of the private corporation pursuant to section 3104.

(11) The ''Russian HEU Agreement'' means the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, dated February 18, 1993.

(12) The term ''Secretary'' means the Secretary of Energy.

(13) The ''Suspension Agreement'' means the Agreement to Suspend the Antidumping Investigation on Uranium from the Russian Federation, as amended.

(14) The term ''uranium enrichment'' means the separation of uranium of a given isotopic content into 2 components, 1 having a higher percentage of a fissile isotope and 1 having a lower percentage.

SEC. 3103. SALE OF THE CORPORATION.

(a) AUTHORIZATION.—The Board of Directors of the Corporation, with the approval of the Secretary of the Treasury, shall transfer the interest of the United States in the United States Enrichment Corporation to the private sector in a manner that provides for the long-term viability of the Corporation, provides for the continuation by the Corporation of the operation of the Department of Energy's gaseous diffusion plants, provides for the protection of the public interest in maintaining a reliable and economical domestic source of uranium mining, enrichment and conversion services, and, to the extent not inconsistent with such purposes, secures the maximum proceeds to the United States.

(b) PROCEEDS.—Proceeds from the sale of the United States' interest in the Corporation shall be deposited in the general fund of the Treasury.

SEC. 3104. METHOD OF SALE.

(a) AUTHORIZATION.—The Board of Directors of the Corporation, with the approval of the Secretary of the Treasury, shall transfer ownership of the assets and obligations of the Corporation to the private corporation established under section 3105 (which may be consummated through a merger or consolidation effected in accordance with, and having the effects provided under, the law of the State of incorporation of the private corporation, as if the Corporation were incorporated thereunder).

(b) BOARD DETERMINATION.—The Board, with the approval of the Secretary of the Treasury, shall select the method of transfer and establish terms and conditions for the transfer that will provide the maximum proceeds to the Treasury of the United States and will provide for the long-term viability of the private corporation, the continued operation of the gaseous diffusion plants, and the public interest in maintaining reliable and economical domestic uranium mining and enrichment industries.

(c) ADEQUATE PROCEEDS.—The Secretary of the Treasury shall not allow the privatization of the Corporation unless before the sale date the Secretary of the Treasury determines that the method of transfer will provide the maximum proceeds to the Treasury consistent with the principles set forth in section 3103(a).

(d) APPLICATION OF SECURITIES LAWS.—Any offering or sale of securities by the private corporation shall be subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), and the provisions of the Constitution and laws of any State, territory, or possession of the United States relating to transactions in securities.

(e) EXPENSES.—Expenses of privatization shall be paid from Corporation revenue accounts in the United States Treasury.

SEC. 3105. ESTABLISHMENT OF PRIVATE CORPORATION.

(a) INCORPORATION.—(1) The directors of the Corporation shall establish a private for-profit corporation under the laws of a State for the purpose of receiving the assets and obligations of the Corporation at privatization and continuing the business operations of the Corporation following privatization.

(2) The directors of the Corporation may serve as incorporators of the private corporation and shall take all steps necessary to establish the private corporation, including the filing of articles of incorporation consistent with the provisions of this subchapter.

(3) Employees and officers of the Corporation (including members of the Board of Directors)

acting in accordance with this section on behalf of the private corporation shall be deemed to be acting in their official capacities as employees or officers of the Corporation for purposes of section 205 of title 18, United States Code.

(b) STATUS OF THE PRIVATE CORPORATION.—(1) The private corporation shall not be an agency, instrumentality, or establishment of the United States, a Government corporation, or a Government-controlled corporation.

(2) Except as otherwise provided by this subchapter, financial obligations of the private corporation shall not be obligations of, or guaranteed as to principal or interest by, the Corporation or the United States, and the obligations shall so plainly state.

(3) No action under section 1491 of title 28, United States Code, shall be allowable against the United States based on actions of the private corporation.

(c) APPLICATION OF POST-GOVERNMENT EMPLOYMENT RESTRICTIONS.—Beginning on the privatization date, the restrictions stated in section 207 (a), (b), (c), and (d) of title 18, United States Code, shall not apply to the acts of an individual done in carrying out official duties as a director, officer, or employee of the private corporation, if the individual was an officer or employee of the Corporation (including a director) continuously during the 45 days prior to the privatization date.

(d) DISSOLUTION.—In the event that the privatization does not occur, the Corporation will provide for the dissolution of the private corporation within 1 year of the private corporation's incorporation unless the Secretary of the Treasury or his delegate, upon the Corporation's request, agrees to delay any such dissolution for an additional year.

SEC. 3106. TRANSFERS TO THE PRIVATE CORPORATION.

Concurrent with privatization, the Corporation shall transfer to the private corporation—

(1) the lease of the gaseous diffusion plants in accordance with section 3107,

(2) all personal property and inventories of the Corporation,

(3) all contracts, agreements, and leases under section 3108(a),

(4) the Corporation's right to purchase power from the Secretary under section 3108(b),

(5) such funds in accounts of the Corporation held by the Treasury or on deposit with any bank or other financial institution as approved by the Secretary of the Treasury, and

(6) all of the Corporation's records, including all of the papers and other documentary materials, regardless of physical form or characteristics, made or received by the Corporation.

SEC. 3107. LEASING OF GASEOUS DIFFUSION FACILITIES.

(a) TRANSFER OF LEASE.—Concurrent with privatization, the Corporation shall transfer to the private corporation the lease of the gaseous diffusion plants and related property for the remainder of the term of such lease in accordance with the terms of such lease.

(b) RENEWAL.—The private corporation shall have the exclusive option to lease the gaseous diffusion plants and related property for additional periods following the expiration of the initial term of the lease.

(c) EXCLUSION OF FACILITIES FOR PRODUCTION OF HIGHLY ENRICHED URANIUM.—The Secretary shall not lease to the private corporation any facilities necessary for the production of highly enriched uranium but may, subject to the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), grant the Corporation access to such facilities for purposes other than the production of highly enriched uranium.

(d) DOE RESPONSIBILITY FOR PREEXISTING CONDITIONS.—The payment of any costs of decontamination and decommissioning, response actions, or corrective actions with respect to conditions existing before July 1, 1993, at the gaseous diffusion plants shall remain the sole responsibility of the Secretary.

(e) ENVIRONMENTAL AUDIT.—For purposes of subsection (d), the conditions existing before July 1, 1993, at the gaseous diffusion plants shall be determined from the environmental audit conducted pursuant to section 1403(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2297c–2(e)).

(f) TREATMENT UNDER PRICE-ANDERSON PROVISIONS.—Any lease executed between the Secretary and the Corporation or the private corporation, and any extension or renewal thereof, under this section shall be deemed to be a contract for purposes of section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)).

(g) WAIVER OF EIS REQUIREMENT.—The execution or transfer of the lease between the Secretary and the Corporation or the private corporation, and any extension or renewal thereof, shall not be considered to be a major Federal action significantly affecting the quality of the human environment for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 3108. TRANSFER OF CONTRACTS.

(a) TRANSFER OF CONTRACTS.—Concurrent with privatization, the Corporation shall transfer to the private corporation all contracts, agreements, and leases, including all uranium enrichment contracts, that were—

(1) transferred by the Secretary to the Corporation pursuant to section 1401(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2297c(b)), or

(2) entered into by the Corporation before the privatization date.

(b) NONTRANSFERABLE POWER CONTRACTS.—The Corporation shall transfer to the private corporation the right to purchase power from the Secretary under the power purchase contracts for the gaseous diffusion plants executed by the Secretary before July 1, 1993. The Secretary shall continue to receive power for the gaseous diffusion plants under such contracts and shall continue to resell such power to the private corporation at cost during the term of such contracts.

(c) EFFECT OF TRANSFER.—(1) Notwithstanding subsection (a), the United States shall remain obligated to the parties to the contracts, agreements, and leases transferred under subsection (a) for the performance of its obligations under such contracts, agreements, or leases during their terms. Performance of such obligations by the private corporation shall be considered performance by the United States.

(2) If a contract, agreement, or lease transferred under subsection (a) is terminated, extended, or materially amended after the privatization date—

(A) the private corporation shall be responsible for any obligation arising under such contract, agreement, or lease after any extension or material amendment, and

(B) the United States shall be responsible for any obligation arising under the contract, agreement, or lease before the termination, extension, or material amendment.

(3) The private corporation shall reimburse the United States for any amount paid by the United States under a settlement agreement entered into with the consent of the private corporation or under a judgment, if the settlement or judgment—

(A) arises out of an obligation under a contract, agreement, or lease transferred under subsection (a), and

(B) arises out of actions of the private corporation between the privatization date and the date of a termination, extension, or material amendment of such contract, agreement, or lease.

(d) PRICING.—The Corporation may establish prices for its products, materials, and services provided to customers on a basis that will allow it to attain the normal business objectives of a profit making corporation.

SEC. 3109. LIABILITIES.

(a) LIABILITY OF THE UNITED STATES.—(1) Except as otherwise provided in this subchapter, all liabilities arising out of the operation of the uranium enrichment enterprise before July 1, 1993, shall remain the direct liabilities of the Secretary.

(2) Except as provided in subsection (a)(3) or otherwise provided in a memorandum of agreement entered into by the Corporation and the Office of Management and Budget prior to the privatization date, all liabilities arising out of the operation of the Corporation between July 1, 1993, and the privatization date shall remain the direct liabilities of the United States.

(3) All liabilities arising out of the disposal of depleted uranium generated by the Corporation between July 1, 1993, and the privatization date shall become the direct liabilities of the Secretary.

(4) Any stated or implied consent for the United States, or any agent or officer of the United States, to be sued by any person for any legal, equitable, or other relief with respect to any claim arising from any action taken by any agent or officer of the United States in connection with the privatization of the Corporation is hereby withdrawn.

(5) To the extent that any claim against the United States under this section is of the type otherwise required by Federal statute or regulation to be presented to a Federal agency or official for adjudication or review, such claim shall be presented to the Department of Energy in accordance with procedures to be established by the Secretary. Nothing in this paragraph shall be construed to impose on the Department of Energy liability to pay any claim presented pursuant to this paragraph.

(6) The Attorney General shall represent the United States in any action seeking to impose liability under this subsection.

(b) LIABILITY OF THE CORPORATION.—Notwithstanding any provision of any agreement to which the Corporation is a party, the Corporation shall not be considered in breach, default, or violation of any agreement because of the transfer of such agreement to the private corporation under section 3108 or any other action the Corporation is required to take under this subchapter.

(c) LIABILITY OF THE PRIVATE CORPORATION.—Except as provided in this subchapter, the private corporation shall be liable for any liabilities arising out of its operations after the privatization date.

(d) LIABILITY OF OFFICERS AND DIRECTORS.—(1) No officer, director, employee, or agent of the Corporation shall be liable in any civil proceeding to any party in connection with any action taken in connection with the privatization if, with respect to the subject matter of the action, suit, or proceeding, such person was acting within the scope of his employment.

(2) This subsection shall not apply to claims arising under the Securities Act of 1933 (15 U.S.C. 77a. et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a. et seq.), or under the Constitution or laws of any State, territory, or possession of the United States relating to transactions in securities.

SEC. 3110. EMPLOYEE PROTECTIONS.

(a) CONTRACTOR EMPLOYEES.—(1) Privatization shall not diminish the accrued, vested pension benefits of employees of the Corporation's operating contractor at the two gaseous diffusion plants.

(2) In the event that the private corporation terminates or changes the contractor at either or both of the gaseous diffusion plants, the plan sponsor or other appropriate fiduciary of the pension plan covering employees of the prior operating contractor shall arrange for the transfer of all plan assets and liabilities relating to accrued pension benefits of such plan's participants and beneficiaries from such plant to a pension plan sponsored by the new contractor or the private corporation or a joint labor-management plan, as the case may be.

(3) In addition to any obligations arising under the National Labor Relations Act (29

U.S.C. 151 et seq.), any employer (including the private corporation if it operates a gaseous diffusion plant without a contractor or any contractor of the private corporation) at a gaseous diffusion plant shall—

(A) abide by the terms of any unexpired collective bargaining agreement covering employees in bargaining units at the plant and in effect on the privatization date until the stated expiration or termination date of the agreement; or

(B) in the event a collective bargaining agreement is not in effect upon the privatization date, have the same bargaining obligations under section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) as it had immediately before the privatization date.

(4) If the private corporation replaces its operating contractor at a gaseous diffusion plant, the new employer (including the new contractor or the private corporation if it operates a gaseous diffusion plant without a contractor) shall—

(A) offer employment to non-management employees of the predecessor contractor to the extent that their jobs still exist or they are qualified for new jobs, and

(B) abide by the terms of the predecessor contractor's collective bargaining agreement until the agreement expires or a new agreement is signed.

(5) In the event of a plant closing or mass layoff (as such terms are defined in section 2101(a)(2) and (3) of title 29, United States Code) at either of the gaseous diffusion plants, the Secretary of Energy shall treat any adversely affected employee of an operating contractor at either plant who was an employee at such plant on July 1, 1993, as a Department of Energy employee for purposes of sections 3161 and 3162 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h–7274i).

(6)(A) The Secretary and the private corporation shall cause the post-retirement health benefits plan provider (or its successor) to continue to provide benefits for eligible persons, as described under subparagraph (B), employed by an operating contractor at either of the gaseous diffusion plants in an economically efficient manner and at substantially the same level of coverage as eligible retirees are entitled to receive on the privatization date.

(B) Persons eligible for coverage under subparagraph (A) shall be limited to:

(i) persons who retired from active employment at one of the gaseous diffusion plants on or before the privatization date as vested participants in a pension plan maintained either by the Corporation's operating contractor or by a contractor employed prior to July 1, 1993, by the Department of Energy to operate a gaseous diffusion plant; and

(ii) persons who are employed by the Corporation's operating contractor on or before the privatization date and are vested participants in a pension plan maintained either by the Corporation's operating contractor or by a contractor employed prior to July 1, 1993, by the Department of Energy to operate a gaseous diffusion plant.

(C) The Secretary shall fund the entire cost of post-retirement health benefits for persons who retired from employment with an operating contractor prior to July 1, 1993.

(D) The Secretary and the Corporation shall fund the cost of post-retirement health benefits for persons who retire from employment with an operating contractor on or after July 1, 1993, in proportion to the retired person's years and months of service at a gaseous diffusion plant under their respective management.

(7)(A) Any suit under this subsection alleging a violation of an agreement between an employer and a labor organization shall be brought in accordance with section 301 of the Labor Management Relations Act (29 U.S.C. 185).

(B) Any charge under this subsection alleging an unfair labor practice violative of section 8 of the National Labor Relations Act (29 U.S.C. 158) shall be pursued in accordance with section 10 of the National Labor Relations Act (29 U.S.C. 160).

(C) Any suit alleging a violation of any provision of this subsection, to the extent it does not allege a violation of the National Labor Relations Act, may be brought in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy or the citizenship of the parties.

(b) FORMER FEDERAL EMPLOYEES.—(1)(A) An employee of the Corporation that was subject to either the Civil Service Retirement System (referred to in this section as ''CSRS'') or the Federal Employees' Retirement System (referred to in this section as ''FERS'') on the day immediately preceding the privatization date shall elect—

(i) to retain the employee's coverage under either CSRS or FERS, as applicable, in lieu of coverage by the Corporation's retirement system, or

(ii) to receive a deferred annuity or lump-sum benefit payable to a terminated employee under CSRS or FERS, as applicable.

(B) An employee that makes the election under subparagraph (A)(ii) shall have the option to transfer the balance in the employee's Thrift Savings Plan account to a defined contribution plan under the Corporation's retirement system, consistent with applicable law and the terms of the Corporation's defined contribution plan.

(2) The Corporation shall pay to the Civil Service Retirement and Disability Fund—

(A) such employee deductions and agency contributions as are required by sections 8334, 8422, and 8423 of title 5, United States Code, for those employees who elect to retain their coverage under either CSRS or FERS pursuant to paragraph (1);

(B) such additional agency contributions as are determined necessary by the Office of Personnel Management to pay, in combination with the sums under subparagraph (A), the ''normal cost'' (determined using dynamic assumptions) of retirement benefits for those employees who elect to retain their coverage under CSRS pursuant to paragraph (1), with the concept of ''normal cost'' being used consistent with generally accepted actuarial standards and principles; and

(C) such additional amounts, not to exceed two percent of the amounts under subparagraphs (A) and (B), as are determined necessary by the Office of Personnel Management to pay the cost of administering retirement benefits for employees who retire from the Corporation after the privatization date under either CSRS or FERS, for their survivors, and for survivors of employees of the Corporation who die after the privatization date (which amounts shall be available to the Office of Personnel Management as provided in section 8348(a)(1)(B) of title 5, United States Code).

(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required by section 8432 of title 5, United States Code, for those employees who elect to retain their coverage under FERS pursuant to paragraph (1).

(4) Any employee of the Corporation who was subject to the Federal Employee Health Benefits Program (referred to in this section as ''FEHBP'') on the day immediately preceding the privatization date and who elects to retain coverage under either CSRS or FERS pursuant to paragraph (1) shall have the option to receive health benefits from a health benefit plan established by the Corporation or to continue without interruption coverage under the FEHBP, in lieu of coverage by the Corporation's health benefit system.

(5) The Corporation shall pay to the Employees Health Benefits Fund—

(A) such employee deductions and agency contributions as are required by section 8906 (a)–(f) of title 5, United States Code, for those employees who elect to retain their coverage under FEHBP pursuant to paragraph (4); and

(B) such amounts as are determined necessary by the Office of Personnel Management under paragraph (6) to reimburse the Office of Personnel Management for contributions under section 8906(g)(1) of title 5, United States Code, for those employees who elect to retain their coverage under FEHBP pursuant to paragraph (4).

(6) The amounts required under paragraph (5)(B) shall pay the Government contributions for retired employees who retire from the Corporation after the privatization date under either CSRS or FERS, for survivors of such retired employees, and for survivors of employees of the Corporation who die after the privatization date, with said amounts prorated to reflect only that portion of the total service of such employees and retired persons that was performed for the Corporation after the privatization date.

SEC. 3111. OWNERSHIP LIMITATIONS.

(a) SECURITIES LIMITATIONS.—No director, officer, or employee of the Corporation may acquire any securities, or any rights to acquire any securities of the private corporation on terms more favorable than those offered to the general public—

(1) in a public offering designed to transfer ownership of the Corporation to private investors,

(2) pursuant to any agreement, arrangement, or understanding entered into before the privatization date, or

(3) before the election of the directors of the private corporation.

(b) OWNERSHIP LIMITATION.—Immediately following the consummation of the transaction or series of transactions pursuant to which 100 percent of the ownership of the Corporation is transferred to private investors, and for a period of three years thereafter, no person may acquire, directly or indirectly, beneficial ownership of securities representing more than 10 percent of the total votes of all outstanding voting securities of the Corporation. The foregoing limitation shall not apply to—

(1) any employee stock ownership plan of the Corporation,

(2) members of the underwriting syndicate purchasing shares in stabilization transactions in connection with the privatization, or

(3) in the case of shares beneficially held in the ordinary course of business for others, any commercial bank, broker-dealer, or clearing agency.

SEC. 3112. URANIUM TRANSFERS AND SALES.

(a) TRANSFERS AND SALES BY THE SECRETARY.—The Secretary shall not provide enrichment services or transfer or sell any uranium (including natural uranium concentrates, natural uranium hexafluoride, or enriched uranium in any form) to any person except as consistent with this section.

(b) RUSSIAN HEU.—(1) On or before December 31, 1996, the United States Executive Agent under the Russian HEU Agreement shall transfer to the Secretary without charge title to an amount of uranium hexafluoride equivalent to the natural uranium component of low-enriched uranium derived from at least 18 metric tons of highly enriched uranium purchased from the Russian Executive Agent under the Russian HEU Agreement. The quantity of such uranium hexafluoride delivered to the Secretary shall be based on a tails assay of 0.30 U^{235}. Uranium hexafluoride transferred to the Secretary pursuant to this paragraph shall be deemed under United States law for all purposes to be of Russian origin.

(2) Within 7 years of the date of enactment of this Act, the Secretary shall sell, and receive payment for, the uranium hexafluoride transferred to the Secretary pursuant to paragraph (1). Such uranium hexafluoride shall be sold—

(A) at any time for use in the United States for the purpose of overfeeding;

(B) at any time for end use outside the United States;

(C) in 1995 and 1996 to the Russian Executive Agent at the purchase price for use in matched sales pursuant to the Suspension Agreement; or,

(D) in calendar year 2001 for consumption by end users in the United States not prior to January 1, 2002, in volumes not to exceed 3,000,000 pounds U_3O_8 equivalent per year.

(3) With respect to all enriched uranium delivered to the United States Executive Agent under the Russian HEU Agreement on or after January 1, 1997, the United States Executive Agent shall, upon request of the Russian Executive Agent, enter into an agreement to deliver concurrently to the Russian Executive Agent an amount of uranium hexafluoride equivalent to the natural uranium component of such uranium. An agreement executed pursuant to a request of the Russian Executive Agent, as contemplated in this paragraph, may pertain to any deliveries due during any period remaining under the Russian HEU Agreement. The quantity of such uranium hexafluoride delivered to the Russian Executive Agent shall be based on a tails assay of 0.30 U^{235}. Title to uranium hexafluoride delivered to the Russian Executive Agent pursuant to this paragraph shall transfer to the Russian Executive Agent upon delivery of such material to the Russian Executive Agent, with such delivery to take place at a North American facility designated by the Russian Executive Agent. Uranium hexafluoride delivered to the Russian Executive Agent pursuant to this paragraph shall be deemed under U.S. law for all purposes to be of Russian origin. Such uranium hexafluoride may be sold to any person or entity for delivery and use in the United States only as permitted in subsections (b)(5), (b)(6) and (b)(7) of this section.

(4) In the event that the Russian Executive Agent does not exercise its right to enter into an agreement to take delivery of the natural uranium component of any low-enriched uranium, as contemplated in paragraph (3), within 90 days of the date such low-enriched uranium is delivered to the United States Executive Agent, or upon request of the Russian Executive Agent, then the United States Executive Agent shall engage an independent entity through a competitive selection process to auction an amount of uranium hexafluoride or U_3O_8 (in the event that the conversion component of such hexafluoride has previously been sold) equivalent to the natural uranium component of such low-enriched uranium. An agreement executed pursuant to a request of the Russian Executive Agent, as contemplated in this paragraph, may pertain to any deliveries due during any period remaining under the Russian HEU Agreement. Such independent entity shall sell such uranium hexafluoride in one or more lots to any person or entity to maximize the proceeds from such sales, for disposition consistent with the limitations set forth in this subsection. The independent entity shall pay to the Russian Executive Agent the proceeds of any such auction less all reasonable transaction and other administrative costs. The quantity of such uranium hexafluoride auctioned shall be based on a tails assay of 0.30 U^{235}. Title to uranium hexafluoride auctioned pursuant to this paragraph shall transfer to the buyer of such material upon delivery of such material to the buyer. Uranium hexafluoride auctioned pursuant to this paragraph shall be deemed under United States law for all purposes to be of Russian origin.

(5) Except as provided in paragraphs (6) and (7), uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned pursuant to paragraph (4), may not be delivered for consumption by end users in the United States either directly or indirectly prior to January 1, 1998, and thereafter only in accordance with the following schedule:

Annual Maximum Deliveries to End Users

Year:	***(millions lbs. U_3O_8 equivalent)***
1998	*2*
1999	*4*
2000	*6*
2001	*8*
2002	*10*
2003	*12*
2004	*14*
2005	*16*
2006	*17*
2007	*18*
2008	*19*
2009 and each year thereafter	*20.*

(6) Uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned pursuant to paragraph (4) may be sold at any time as Russian-origin natural uranium in a matched sale pursuant to the Suspension Agreement, and in such case shall not be counted against the annual maximum deliveries set forth in paragraph (5).

(7) Uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned pursuant to paragraph (4) may be sold at any time for use in the United States for the purpose of overfeeding in the operations of enrichment facilities.

(8) Nothing in this subsection (b) shall restrict the sale of the conversion component of such uranium hexafluoride.

(9) The Secretary of Commerce shall have responsibility for the administration and enforcement of the limitations set forth in this subsection. The Secretary of Commerce may require any person to provide any certifications, information, or take any action that may be necessary to enforce these limitations. The United States Customs Service shall maintain and provide any information required by the Secretary of Commerce and shall take any action requested by the Secretary of Commerce which is necessary for the administration and enforcement of the uranium delivery limitations set forth in this section.

(10) The President shall monitor the actions of the United States Executive Agent under the Russian HEU Agreement and shall report to the Congress not later than December 31 of each year on the effect the low-enriched uranium delivered under the Russian HEU Agreement is having on the domestic uranium mining, conversion, and enrichment industries, and the operation of the gaseous diffusion plants. Such report shall include a description of actions taken or proposed to be taken by the President to prevent or mitigate any material adverse impact on such industries or any loss of employment at the gaseous diffusion plants as a result of the Russian HEU Agreement.

(c) TRANSFERS TO THE CORPORATION.—(1) The Secretary shall transfer to the Corporation without charge up to 50 metric tons of enriched uranium and up to 7,000 metric tons of natural uranium from the Department of Energy's stockpile, subject to the restrictions in subsection (c)(2).

(2) The Corporation shall not deliver for commercial end use in the United States—

(A) any of the uranium transferred under this subsection before January 1, 1998;

(B) more than 10 percent of the uranium (by uranium hexafluoride equivalent content) transferred under this subsection or more than 4,000,000 pounds, whichever is less, in any calendar year after 1997; or

(C) more than 800,000 separative work units contained in low-enriched uranium transferred under this subsection in any calendar year.

(d) INVENTORY SALES.—(1) In addition to the transfers authorized under subsections (c) and (e), the Secretary may, from time to time, sell natural and low-enriched uranium (including low-enriched uranium derived from highly enriched uranium) from the Department of Energy's stockpile.

(2) Except as provided in subsections (b), (c), and (e), no sale or transfer of natural or low-enriched uranium shall be made unless—

(A) the President determines that the material is not necessary for national security needs,

(B) the Secretary determines that the sale of the material will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement, and

(C) the price paid to the Secretary will not be less than the fair market value of the material.

(e) GOVERNMENT TRANSFERS.—Notwithstanding subsection (d)(2), the Secretary may transfer or sell enriched uranium—

(1) to a Federal agency if the material is transferred for the use of the receiving agency without any resale or transfer to another entity and the material does not meet commercial specifications;

(2) to any person for national security purposes, as determined by the Secretary; or

(3) to any State or local agency or nonprofit, charitable, or educational institution for use other than the generation of electricity for commercial use.

(f) SAVINGS PROVISION.—Nothing in this subchapter shall be read to modify the terms of the Russian HEU Agreement.

SEC. 3113. LOW-LEVEL WASTE.

(a) RESPONSIBILITY OF DOE.—(1) The Secretary, at the request of the generator, shall accept for disposal low-level radioactive waste, including depleted uranium if it were ultimately determined to be low-level radioactive waste, generated by—

(A) the Corporation as a result of the operations of the gaseous diffusion plants or as a result of the treatment of such wastes at a location other than the gaseous diffusion plants, or

(B) any person licensed by the Nuclear Regulatory Commission to operate a uranium enrichment facility under sections 53, 63, and 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093, and 2243).

(2) Except as provided in paragraph (3), the generator shall reimburse the Secretary for the disposal of low-level radioactive waste pursuant to paragraph (1) in an amount equal to the Secretary's costs, including a pro rata share of any capital costs, but in no event more than an amount equal to that which would be charged by commercial, State, regional, or interstate compact entities for disposal of such waste.

(3) In the event depleted uranium were ultimately determined to be low-level radioactive waste, the generator shall reimburse the Secretary for the disposal of depleted uranium pursuant to paragraph (1) in an amount equal to the Secretary's costs, including a pro rata share of any capital costs.

(b) AGREEMENTS WITH OTHER PERSONS.—The generator may also enter into agreements for the disposal of low-level radioactive waste subject to subsection (a) with any person other than the Secretary that is authorized by applicable laws and regulations to dispose of such wastes.

(c) STATE OR INTERSTATE COMPACTS.—Notwithstanding any other provision of law, no State or interstate compact shall be liable for the treatment, storage, or disposal of any low-level radioactive waste (including mixed waste) attributable to the operation, decontamination, and decommissioning of any uranium enrichment facility.

SEC. 3114. AVLIS.

(a) EXCLUSIVE RIGHT TO COMMERCIALIZE.—The Corporation shall have the exclusive commercial right to deploy and use any AVLIS patents, processes, and technical information owned or controlled by the Government, upon completion of a royalty agreement with the Secretary.

(b) TRANSFER OF RELATED PROPERTY TO CORPORATION.—

(1) IN GENERAL.—To the extent requested by the Corporation and subject to the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.), the President shall transfer without charge to the Corporation all of the right, title,

or interest in and to property owned by the United States under control or custody of the Secretary that is directly related to and materially useful in the performance of the Corporation's purposes regarding AVLIS and alternative technologies for uranium enrichment, including—

(A) facilities, equipment, and materials for research, development, and demonstration activities; and

(B) all other facilities, equipment, materials, processes, patents, technical information of any kind, contracts, agreements, and leases.

(2) EXCEPTION.—Facilities, real estate, improvements, and equipment related to the gaseous diffusion, and gas centrifuge, uranium enrichment programs of the Secretary shall not transfer under paragraph (1)(B).

(3) EXPIRATION OF TRANSFER AUTHORITY.—The President's authority to transfer property under this subsection shall expire upon the privatization date.

(c) LIABILITY FOR PATENT AND RELATED CLAIMS.—With respect to any right, title, or interest provided to the Corporation under subsection (a) or (b), the Corporation shall have sole liability for any payments made or awards under section 157 b. (3) of the Atomic Energy Act of 1954 (42 U.S.C. 2187(b)(3)), or any settlements or judgments involving claims for alleged patent infringement. Any royalty agreement under subsection (a) of this section shall provide for a reduction of royalty payments to the Secretary to offset any payments, awards, settlements, or judgments under this subsection.

SEC. 3115. APPLICATION OF CERTAIN LAWS.

(a) OSHA.—(1) As of the privatization date, the private corporation shall be subject to and comply with the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(2) The Nuclear Regulatory Commission and the Occupational Safety and Health Administration shall, within 90 days after the date of enactment of this Act, enter into a memorandum of agreement to govern the exercise of their authority over occupational safety and health hazards at the gaseous diffusion plants, including inspection, investigation, enforcement, and rulemaking relating to such hazards.

(b) ANTITRUST LAWS.—For purposes of the antitrust laws, the performance by the private corporation of a ''matched import'' contract under the Suspension Agreement shall be considered to have occurred prior to the privatization date, if at the time of privatization, such contract had been agreed to by the parties in all material terms and confirmed by the Secretary of Commerce under the Suspension Agreement.

(c) ENERGY REORGANIZATION ACT REQUIREMENTS.—(1) The private corporation and its contractors and subcontractors shall be subject to the provisions of section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851) to the same extent as an employer subject to such section.

(2) With respect to the operation of the facilities leased by the private corporation, section 206 of the Energy Reorganization Act of 1974 (42 U.S.C. 5846) shall apply to the directors and officers of the private corporation.

SEC. 3116. AMENDMENTS TO THE ATOMIC ENERGY ACT.

(a) REPEAL.—(1) Chapters 22 through 26 of the Atomic Energy Act of 1954 (42 U.S.C. 2297–2297e–7) are repealed as of the privatization date.

(2) The table of contents of such Act is amended as of the privatization date by striking the items referring to sections repealed by paragraph (1).

(b) NRC LICENSING.—(1) Section 11v. of the Atomic Energy Act of 1954 (42 U.S.C. 2014v.) is amended by striking ''or the construction and operation of a uranium enrichment facility using Atomic Vapor Laser Isotope Separation technology''.

(2) Section 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2243) is amended by adding at the end the following:

''(f) LIMITATION.—No license or certificate of compliance may be issued to the United States Enrichment Corporation or its successor under this section or sections 53, 63, or 1701, if the Commission determines that—

''(1) the Corporation is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government; or

''(2) the issuance of such a license or certificate of compliance would be inimical to—

''(A) the common defense and security of the United States; or

''(B) the maintenance of a reliable and economical domestic source of enrichment services.''.

(3) Section 1701(c)(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f(c)(2)) is amended to read as follows:

''(2) PERIODIC APPLICATION FOR CERTIFICATE OF COMPLIANCE.—The Corporation shall apply to the Nuclear Regulatory Commission for a certificate of compliance under paragraph (1) periodically, as determined by the Commission, but not less than every 5 years. The Commission shall review any such application and any determination made under subsection (b)(2) shall be based on the results of any such review.''.

(4) Section 1702(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f–1(a)) is amended—

(1) by striking ''other than'' and inserting ''including'', and

(2) by striking ''sections 53 and 63'' and inserting ''sections 53, 63, and 193''.

(c) JUDICIAL REVIEW OF NRC ACTIONS.—Section 189b. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(b)) is amended to read as follows:

''b. The following Commission actions shall be subject to judicial review in the manner prescribed in chapter 158 of title 28, United States Code, and chapter 7 of title 5, United States Code:

''(1) Any final order entered in any proceeding of the kind specified in subsection (a).

''(2) Any final order allowing or prohibiting a facility to begin operating under a combined construction and operating license.

''(3) Any final order establishing by regulation standards to govern the Department of Energy's gaseous diffusion uranium enrichment plants, including any such facilities leased to a corporation established under the USEC Privatization Act.

''(4) Any final determination under section 1701(c) relating to whether the gaseous diffusion plants, including any such facilities leased to a corporation established under the USEC Privatization Act, are in compliance with the Commission's standards governing the gaseous diffusion plants and all applicable laws.''.

(d) CIVIL PENALTIES.—Section 234 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2282(a) is amended by—

(1) striking ''any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109'' and inserting: ''any licensing or certification provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, 109, or 1701''; and

(2) by striking ''any license issued thereunder'' and inserting: ''any license or certification issued thereunder''.

(e) REFERENCES TO THE CORPORATION.—Following the privatization date, all references in the Atomic Energy Act of 1954 to the United States Enrichment Corporation shall be deemed to be references to the private corporation.

SEC. 3117. AMENDMENTS TO OTHER LAWS.

(a) DEFINITION OF GOVERNMENT CORPORATION.—As of the privatization date, section 9101(3) of title 31, United States Code, is amended by striking subparagraph (N) as added by section 902(b) of Public Law 102–486.

(b) DEFINITION OF THE CORPORATION.—Section 1018(1) of the Energy Policy Act of 1992 (42 U.S.C. 2296b–7(1) is amended by inserting ''or its successor'' before the period.

SUBCHAPTER B

SEC. 3201. BONNEVILLE POWER ADMINISTRATION REFINANCING.

(a) DEFINITIONS.—

For the purposes of this section—

(1) ''Administrator'' means the Administrator of the Bonneville Power Administration;

(2) ''capital investment'' means a capitalized cost funded by Federal appropriations that—

(A) is for a project, facility, or separable unit or feature of a project or facility;

(B) is a cost for which the Administrator is required by law to establish rates to repay to the United States Treasury through the sale of electric power, transmission, or other services;

(C) excludes a Federal irrigation investment; and

(D) excludes an investment financed by the current revenues of the Administrator or by bonds issued and sold, or authorized to be issued and sold, by the Administrator under section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k);

(3) ''new capital investment'' means a capital investment for a project, facility, or separable unit or feature of a project or facility, placed in service after September 30, 1996;

(4) ''old capital investment'' means a capital investment the capitalized cost of which—

(A) was incurred, but not repaid, before October 1, 1996, and

(B) was for a project, facility, or separable unit or feature of a project or facility, placed in service before October 1, 1996;

(5) ''repayment date'' means the end of the period within which the Administrator's rates are to assure the repayment of the principal amount of a capital investment; and

(6) ''Treasury rate'' means—

(A) for an old capital investment, a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding October 1, 1996, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between October 1, 1996, and the repayment date for the old capital investment; and

(B) for a new capital investment, a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year in which the related project, facility, or separable unit or feature is placed in service, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between the beginning of the fiscal year and the repayment date for the new capital investment.

(b) NEW PRINCIPAL AMOUNTS.—

(1) PRINCIPAL AMOUNT.—Effective October 1, 1996, an old capital investment has a new principal amount that is the sum of—

(A) the present value of the old payment amounts for the old capital investment, calculated using a discount rate equal to the Treasury rate for the old capital investment; and

(B) an amount equal to $100,000,000 multiplied by a fraction whose numerator is the principal amount of the old payment amounts for the old capital investment and whose denominator is the sum of the principal amounts of the old payment amounts for all old capital investments.

(2) DETERMINATION.—With the approval of the Secretary of the Treasury based solely on consistency with this section, the Administrator shall determine the new principal amounts under subsection (b) and the assignment of interest rates to the new principal amounts under subsection (c).

(3) OLD PAYMENT AMOUNTS.—For the purposes of this subsection, ''old payment amounts'' means, for an old capital investment, the annual interest and principal that the Administrator would have paid to the United States Treasury from October 1, 1996, if this section had not been enacted, assuming that—

(A) the principal were repaid—

(i) on the repayment date the Administrator assigned before October 1, 1994, to the old capital investment, or

(ii) with respect to an old capital investment for which the Administrator has not assigned a repayment date before October 1, 1994, on a repayment date the Administrator shall assign to the old capital investment in accordance with paragraph 10(d)(1) of the version of Department of Energy Order RA 6120.2 in effect on October 1, 1994; and

(B) interest were paid—

(i) at the interest rate the Administrator assigned before October 1, 1994, to the old capital investment, or

(ii) with respect to an old capital investment for which the Administrator has not assigned an interest rate before October 1, 1994, at a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year in which the related project, facility, or separable unit or feature is placed in service, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between the beginning of the fiscal year and the repayment date for the old capital investment.

(c) INTEREST RATE FOR NEW PRINCIPAL AMOUNTS.—

As of October 1, 1996, the unpaid balance on the new principal amount established for an old capital investment under subsection (b) bears interest annually at the Treasury rate for the old capital investment until the earlier of the date that the new principal amount is repaid or the repayment date for the new principal amount.

(d) REPAYMENT DATES.—

As of October 1, 1996, the repayment date for the new principal amount established for an old capital investment under subsection (b) is no earlier than the repayment date for the old capital investment assumed in subsection (b)(3)(A).

(e) PREPAYMENT LIMITATIONS.—

During the period October 1, 1996, through September 30, 2001, the total new principal amounts of old capital investments, as established under subsection (b), that the Administrator may pay before their respective repayment dates shall not exceed $100,000,000.

(f) INTEREST RATES FOR NEW CAPITAL INVESTMENTS DURING CONSTRUCTION.—

(1) NEW CAPITAL INVESTMENT.—The principal amount of a new capital investment includes interest in each fiscal year of construction of the related project, facility, or separable unit or feature at a rate equal to the one-year rate for the fiscal year on the sum of—

(A) construction expenditures that were made from the date construction commenced through the end of the fiscal year, and

(B) accrued interest during construction.

(2) PAYMENT.—The Administrator is not required to pay, during construction of the project, facility, or separable unit or feature, the interest calculated, accrued, and capitalized under subsection (f)(1).

(3) ONE-YEAR RATE.—For the purposes of this section, ''one-year rate'' for a fiscal year means a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year, on outstanding interest-bearing obligations of the United States with periods to maturity of approximately one year.

(g) INTEREST RATES FOR NEW CAPITAL INVESTMENTS.—

The unpaid balance on the principal amount of a new capital investment bears interest at the Treasury rate for the new capital investment from the date the related project, facility, or separable unit or feature is placed in service until the earlier of the date the new capital investment is repaid or the repayment date for the new capital investment.

(h) CREDITS TO ADMINISTRATOR'S REPAYMENT TO THE UNITED STATES TREASURY.—

The Confederated Tribe of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law No. 103–436; 108 Stat. 4577) is amended by striking section 6 and inserting the following:

''SEC. 6. CREDITS TO ADMINISTRATOR'S REPAYMENT TO THE UNITED STATES TREASURY.

''So long as the Administrator makes annual payments to the tribes under the settlement agreement, the Administrator shall apply against amounts otherwise payable by the Administrator to the United States Treasury a credit that reduces the Administrator's payment, in the amount and for each fiscal year as follows: $15,860,000 in fiscal year 1997; $16,490,000 in fiscal year 1998; $17,150,000 in fiscal year 1999; $17,840,000 in fiscal year 2000; $18,550,000 in fiscal year 2001; and $4,600,000 in each succeeding fiscal year.''.

(i) CONTRACT PROVISIONS.—

In each contract of the Administrator that provides for the Administrator to sell electric power, transmission, or related services, and that is in effect after September 30, 1996, the Administrator shall offer to include, or as the case may be, shall offer to amend to include, provisions specifying that after September 30, 1996—

(1) the Administrator shall establish rates and charges on the basis that—

(A) the principal amount of an old capital investment shall be no greater than the new principal amount established under subsection (b);

(B) the interest rate applicable to the unpaid balance of the new principal amount of an old capital investment shall be no greater than the interest rate established under subsection (c);

(C) any payment of principal of an old capital investment shall reduce the outstanding principal balance of the old capital investment in the amount of the payment at the time the payment is tendered; and

(D) any payment of interest on the unpaid balance of the new principal amount of an old capital investment shall be a credit against the appropriate interest account in the amount of the payment at the time the payment is tendered;

(2) apart from charges necessary to repay the new principal amount of an old capital investment as established under subsection (b) and to pay the interest on the principal amount under subsection (c), no amount may be charged for return to the United States Treasury as repayment for or return on an old capital investment, whether by way of rate, rent, lease payment, assessment, user charge, or any other fee;

(3) amounts provided under section 1304 of title 31, United States Code, shall be available to pay, and shall be the sole source for payment of, a judgment against or settlement by the Administrator or the United States on a claim for a breach of the contract provisions required by this Part; and

(4) the contract provisions specified in this Part do not—

(A) preclude the Administrator from recovering, through rates or other means, any tax that is generally imposed on electric utilities in the United States, or

(B) affect the Administrator's authority under applicable law, including section 7(g) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e(g)), to—

(i) allocate costs and benefits, including but not limited to fish and wildlife costs, to rates or resources, or

(ii) design rates.

(j) SAVINGS PROVISIONS.—

(1) REPAYMENT.—This subchapter does not affect the obligation of the Administrator to repay the principal associated with each capital investment, and to pay interest on the principal, only from the ''Administrator's net proceeds,'' as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k(b)).

(2) PAYMENT OF CAPITAL INVESTMENT.—Except as provided in subsection (e), this section does not affect the authority of the Administrator to pay all or a portion of the principal amount associated with a capital investment before the repayment date for the principal amount.

CHAPTER 2

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

Of the unobligated balances available under this heading, $42,000,000 are rescinded.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF ENERGY

STRATEGIC PETROLEUM RESERVE

Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), the Secretary of Energy shall draw down and sell in fiscal year 1996, $227,000,000 worth of Strategic Petroleum Reserve oil from the Weeks Island site.

CHAPTER 4

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading elsewhere in this Act, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1996 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as amended by Public Law 100–485) is amended by adding: ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1996 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),''.

DEPARTMENT OF EDUCATION

STUDENT FINANCIAL ASSISTANCE

Notwithstanding any other provision of this Act, the first and third dollar amounts provided in Title I of this Act under the heading ''Student Financial Assistance'' are hereby reduced by $53,446,000.

CHAPTER 5

MILITARY CONSTRUCTION

(RESCISSIONS)

Of the funds provided in Public Law 104–32, the Military Construction Appropriations Act, 1996, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $6,385,000;

Military Construction, Navy, $6,385,000;

Military Construction, Air Force, $6,385,000; and

Military Construction, Defense-wide, $18,345,000.

CHAPTER 6

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

MISSILE PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $310,000,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $265,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $19,500,000 are rescinded: Provided, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $45,000,000 are rescinded, Provided, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $245,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $69,800,000 are rescinded: Provided, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $40,600,000 are rescinded: Provided, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account: Provided further, That no reduction may be taken against the funds made available to the Department of Defense for Ballistic Missile Defense.

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, $664,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY-RELATED SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, $9,000,000 are rescinded.

MOTOR CARRIER SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, $33,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, $56,000,000 are rescinded.

CHAPTER 8

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available for installment acquisition payments under this heading in Public Law 104–52, $3,400,000 are rescinded: Provided, That the aggregate amount made available to the Fund shall be $5,062,749,000.

CHAPTER 9

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

Of the funds made available under this heading and under the heading ''Disaster relief emergency contingency fund'' in Public Law 104–19, $1,000,000,000 are rescinded.

CHAPTER 10

DEBT COLLECTION IMPROVEMENTS

SEC. 31001. DEBT COLLECTION IMPROVEMENT ACT OF 1996.

(a)(1) This section may be cited as the ''Debt Collection Improvement Act of 1996''.

(2)(A) IN GENERAL.—The provisions of this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(B) OFFSETS FROM SOCIAL SECURITY PAYMENTS, ETC.—Subparagraph (A) of section 3716(c)(3) of title 31, United States Code (as added by subsection (d)(2) of this section), shall apply only to payments made after the date which is 4 months after the date of the enactment of this Act.

(b) The purposes of this section are the following:

(1) To maximize collections of delinquent debts owed to the Government by ensuring quick action to enforce recovery of debts and the use of all appropriate collection tools.

(2) To minimize the costs of debt collection by consolidating related functions and activities and utilizing interagency teams.

(3) To reduce losses arising from debt management activities by requiring proper screening of potential borrowers, aggressive monitoring of all accounts, and sharing of information within and among Federal agencies.

(4) To ensure that the public is fully informed of the Federal Government's debt collection policies and that debtors are cognizant of their financial obligations to repay amounts owed to the Federal Government.

(5) To ensure that debtors have all appropriate due process rights, including the ability to verify, challenge, and compromise claims, and access to administrative appeals procedures which are both reasonable and protect the interests of the United States.

(6) To encourage agencies, when appropriate, to sell delinquent debt, particularly debts with underlying collateral.

(7) To rely on the experience and expertise of private sector professionals to provide debt collection services to Federal agencies.

(c) Chapter 37 of title 31, United States Code, is amended—

(1) in each of sections 3711, 3716, 3717, and 3718, by striking ''the head of an executive or legislative agency'' each place it appears and inserting ''the head of an executive, judicial, or legislative agency''; and

(2) by amending section 3701(a)(4) to read as follows:

''(4) 'executive, judicial, or legislative agency' means a department, agency, court, court administrative office, or instrumentality in the executive, judicial, or legislative branch of Government, including government corporations.''.

(d)(1) PERSONS SUBJECT TO ADMINISTRATIVE OFFSET.—Section 3701(c) of title 31, United States Code, is amended to read as follows:

''(c) In sections 3716 and 3717 of this title, the term 'person' does not include an agency of the United States Government.''.

(2) REQUIREMENTS AND PROCEDURES.—Section 3716 of title 31, United States Code, is amended—

(A) by amending subsection (b) to read as follows:

''(b) Before collecting a claim by administrative offset, the head of an executive, judicial, or legislative agency must either—

''(1) adopt, without change, regulations on collecting by administrative offset promulgated by the Department of Justice, the General Accounting Office, or the Department of the Treasury; or

''(2) prescribe regulations on collecting by administrative offset consistent with the regulations referred to in paragraph (1).'';

(B) by amending subsection (c)(2) to read as follows:

''(2) when a statute explicitly prohibits using administrative offset or setoff to collect the claim or type of claim involved.'';

(C) by redesignating subsection (c) as subsection (e); and

(D) by inserting after subsection (b) the following new subsections:

''(c)(1)(A) Except as otherwise provided in this subsection, a disbursing official of the Department of the Treasury, the Department of Defense, the United States Postal Service, or any other government corporation, or any disbursing official of the United States designated by the Secretary of the Treasury, shall offset at least annually the amount of a payment which a payment certifying agency has certified to the disbursing official for disbursement, by an amount equal to the amount of a claim which a creditor agency has certified to the Secretary of the Treasury pursuant to this subsection.

''(B) An agency that designates disbursing officials pursuant to section 3321(c) of this title is not required to certify claims arising out of its operations to the Secretary of the Treasury before such agency's disbursing officials offset such claims.

''(C) Payments certified by the Department of Education under a program administered by the Secretary of Education under title IV of the Higher Education Act of 1965 shall not be subject to administrative offset under this subsection.

''(2) Neither the disbursing official nor the payment certifying agency shall be liable—

''(A) for the amount of the administrative offset on the basis that the underlying obligation, represented by the payment before the administrative offset was taken, was not satisfied; or

''(B) for failure to provide timely notice under paragraph (8).

''(3)(A)(i) Notwithstanding any other provision of law (including sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407 and 1383(d)(1)), section 413(b) of Public Law 91–173 (30 U.S.C. 923(b)), and section 14 of the Act of August 29, 1935 (45 U.S.C. 231m)), except as provided in clause (ii), all payments due to an individual under—

''(I) the Social Security Act,

''(II) part B of the Black Lung Benefits Act, or

''(III) any law administered by the Railroad Retirement Board (other than payments that such Board determines to be tier 2 benefits),

shall be subject to offset under this section.

''(ii) An amount of $9,000 which a debtor may receive under Federal benefit programs cited under clause (i) within a 12-month period shall be exempt from offset under this subsection. In applying the $9,000 exemption, the disbursing official shall—

''(I) reduce the $9,000 exemption amount for the 12-month period by the amount of all Federal benefit payments made during such 12-month period which are not subject to offset under this subsection; and

''(II) apply a prorated amount of the exemption to each periodic benefit payment to be made to the debtor during the applicable 12-month period.

For purposes of the preceding sentence, the amount of a periodic benefit payment shall be the amount after any reduction or deduction required under the laws authorizing the program under which such payment is authorized to be made (including any reduction or deduction to recover any overpayment under such program).

''(B) The Secretary of the Treasury shall exempt from administrative offset under this subsection payments under means-tested programs when requested by the head of the respective agency. The Secretary may exempt other payments from administrative offset under this subsection upon the written request of the head of a payment certifying agency. A written request for exemption of other payments must provide justification for the exemption under standards prescribed by the Secretary. Such standards shall give due consideration to whether administrative offset would tend to interfere substantially with or defeat the purposes of the payment certifying agency's program. The Secretary shall report to the Congress annually on exemptions granted under this section.

''(C) The provisions of sections 205(b)(1) and 1631(c)(1) of the Social Security Act shall not apply to any administrative offset executed pursuant to this section against benefits authorized by either title II or title XVI of the Social Security Act, respectively.

''(4) The Secretary of the Treasury may charge a fee sufficient to cover the full cost of implementing this subsection. The fee may be collected either by the retention of a portion of amounts collected pursuant to this subsection, or by billing the agency referring or transferring a claim for those amounts. Fees charged to the agencies shall be based on actual administrative offsets completed. Amounts received by the United States as fees under this subsection shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of this title, and shall be collected and accounted for in accordance with the provisions of that section.

''(5) The Secretary of the Treasury in consultation with the Commissioner of Social Security and the Director of the Office of Management and Budget, may prescribe such rules, regulations, and procedures as the Secretary of the Treasury considers necessary to carry out this subsection. The Secretary shall consult with the heads of affected agencies in the development of such rules, regulations, and procedures.

''(6) Any Federal agency that is owed by a person a past due, legally enforceable nontax debt that is over 180 days delinquent, including nontax debt administered by a third party acting as an agent for the Federal Government, shall notify the Secretary of the Treasury of all such nontax debts for purposes of administrative offset under this subsection.

''(7)(A) The disbursing official conducting an administrative offset with respect to a payment to a payee shall notify the payee in writing of—

''(i) the occurrence of the administrative offset to satisfy a past due legally enforceable debt, including a description of the type and amount of the payment otherwise payable to the payee against which the offset was executed;

''(ii) the identity of the creditor agency requesting the offset; and

''(iii) a contact point within the creditor agency that will handle concerns regarding the offset.

''(B) If the payment to be offset is a periodic benefit payment, the disbursing official shall take reasonable steps, as determined by the Secretary of the Treasury, to provide the notice to the payee not later than the date on which the payee is otherwise scheduled to receive the payment, or as soon as practical thereafter, but no later than the date of the administrative offset. Notwithstanding the preceding sentence, the failure of the debtor to receive such notice shall not impair the legality of such administrative offset.

''(8) A levy pursuant to the Internal Revenue Code of 1986 shall take precedence over requests for administrative offset pursuant to other laws.

''(d) Nothing in this section is intended to prohibit the use of any other administrative offset authority existing under statute or common law.''.

(3) NONTAX DEBT OR CLAIM DEFINED.—Section 3701 of title 31, United States Code, is amended in subsection (a) by adding at the end the following new paragraph:

''(8) 'nontax' means, with respect to any debt or claim, any debt or claim other than a debt or claim under the Internal Revenue Code of 1986.''.

(4) TREASURY CHECK WITHHOLDING.—Section 3712 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(e) TREASURY CHECK OFFSET.—

''(1) IN GENERAL.—To facilitate collection of amounts owed by presenting banks pursuant to subsection (a) or (b), upon the direction of the Secretary, a Federal reserve bank shall withhold credit from banks presenting Treasury checks for ultimate charge to the account of the United States Treasury. By presenting Treasury checks for payment a presenting bank is deemed to authorize this offset.

''(2) ATTEMPT TO COLLECT REQUIRED.—Prior to directing offset under subsection (a)(1), the Secretary shall first attempt to collect amounts owed in the manner provided by sections 3711 and 3716.''.

(e) Section 3716 of title 31, United States Code, as amended by subsection (d)(2) of this section, is further amended by adding at the end the following new subsections:

''(f) The Secretary may waive the requirements of sections 552a(o) and (p) of title 5 for administrative offset or claims collection upon written certification by the head of a State or an executive, judicial, or legislative agency seeking to collect the claim that the requirements of subsection (a) of this section have been met.

''(g) The Data Integrity Board of the Department of the Treasury established under 552a(u) of title 5 shall review and include in reports under paragraph (3)(D) of that section a description of any matching activities conducted under this section. If the Secretary has granted a waiver under subsection (f) of this section, no other Data Integrity Board is required to take any action under section 552a(u) of title 5.''.

(f) Section 3716 of title 31, United States Code, as amended by subsections (d) and (e) of this section, is further amended by adding at the end the following new subsection:

''(h)(1) The Secretary may, in the discretion of the Secretary, apply subsection (a) with respect to any past-due, legally-enforceable debt owed to a State if—

''(A) the appropriate State disbursing official requests that an offset be performed; and

''(B) a reciprocal agreement with the State is in effect which contains, at a minimum—

''(i) requirements substantially equivalent to subsection (b) of this section; and

''(ii) any other requirements which the Secretary considers appropriate to facilitate the offset and prevent duplicative efforts.

''(2) This subsection does not apply to—

''(A) the collection of a debt or claim on which the administrative costs associated with the collection of the debt or claim exceed the amount of the debt or claim;

''(B) any collection of any other type, class, or amount of claim, as the Secretary considers necessary to protect the interest of the United States; or

''(C) the disbursement of any class or type of payment exempted by the Secretary of the Treasury at the request of a Federal agency.

''(3) In applying this section with respect to any debt owed to a State, subsection (c)(3)(A) shall not apply.''.

(g)(1) TITLE 31.—Title 31, United States Code, is amended—

(A) in section 3322(a), by inserting ''section 3716 and section 3720A of this title and'' after ''Except as provided in'';

(B) in section 3325(a)(3), by inserting ''or pursuant to payment intercepts or offsets pursuant to section 3716 or 3720A of this title,'' after ''voucher''; and

(C) in each of sections 3711(e)(2) and 3717(h) by inserting '', the Secretary of the Treasury,'' after ''Attorney General''.

(2) INTERNAL REVENUE CODE OF 1986.—Subparagraph (A) of section 6103(l)(10) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(10)) is amended by inserting ''and to officers and employees of the Department of the Treasury in connection with such reduction'' after ''6402''.

(h) Section 5514 of title 5, United States Code, is amended—

(A) in subsection (a)—

(i) by adding at the end of paragraph (1) the following: ''All Federal agencies to which debts are owed and which have outstanding delinquent debts shall participate in a computer match at least annually of their delinquent debt records with records of Federal employees to identify those employees who are delinquent in repayment of those debts. The preceding sentence shall not apply to any debt under the Internal Revenue Code of 1986. Matched Federal employee records shall include, but shall not be limited to, records of active Civil Service employees government-wide, military active duty personnel, military reservists, United States Postal Service employees, employees of other government corporations, and seasonal and temporary employees. The Secretary of the Treasury shall establish and maintain an interagency consortium to implement centralized salary offset computer matching, and promulgate regulations for this program. Agencies that perform centralized salary offset computer matching services under this subsection are authorized to charge a fee sufficient to cover the full cost for such services.'';

(ii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(iii) by inserting after paragraph (2) the following new paragraph:

''(3) Paragraph (2) shall not apply to routine intra-agency adjustments of pay that are attributable to clerical or administrative errors or delays in processing pay documents that have occurred within the four pay periods preceding the adjustment and to any adjustment that amounts to $50 or less, if at the time of such adjustment, or as soon thereafter as practical, the individual is provided written notice of the nature and the amount of the adjustment and a point of contact for contesting such adjustment.''; and

(iv) by amending paragraph (5)(B) (as redesignated by clause (ii) of this subparagraph) to read as follows:

''(B) 'agency' includes executive departments and agencies, the United States Postal Service, the Postal Rate Commission, the United States Senate, the United States House of Representatives, and any court, court administrative office, or instrumentality in the judicial or legislative branches of the Government, and government corporations.'';

(B) by adding after subsection (c) the following new subsection:

''(d) A levy pursuant to the Internal Revenue Code of 1986 shall take precedence over other deductions under this section.''.

(i)(1) IN GENERAL.—Section 7701 of title 31, United States Code, is amended by adding at the end the following new subsections:

''(c)(1) The head of each Federal agency shall require each person doing business with that

agency to furnish to that agency such person's taxpayer identifying number.

''(2) For purposes of this subsection, a person shall be considered to be doing business with a Federal agency if the person is—

''(A) a lender or servicer in a Federal guaranteed or insured loan program administered by the agency;

''(B) an applicant for, or recipient of, a Federal license, permit, right-of-way, grant, or benefit payment administered by the agency or insurance administered by the agency;

''(C) a contractor of the agency;

''(D) assessed a fine, fee, royalty or penalty by the agency; and

''(E) in a relationship with the agency that may give rise to a receivable due to that agency, such as a partner of a borrower in or a guarantor of a Federal direct or insured loan administered by the agency.

''(3) Each agency shall disclose to a person required to furnish a taxpayer identifying number under this subsection its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such person's relationship with the Government.

''(4) For purposes of this subsection, a person shall not be treated as doing business with a Federal agency solely by reason of being a debtor under third party claims of the United States. The preceding sentence shall not apply to a debtor owing claims resulting from petroleum pricing violations or owing claims resulting from Federal loan or loan guarantee/insurance programs.

''(d) Notwithstanding section 552a(b) of title 5, United States Code, creditor agencies to which a delinquent claim is owed, and their agents, may match their debtor records with Department of Health and Human Services, and Department of Labor records to obtain names (including names of employees), name controls, names of employers, taxpayer identifying numbers, addresses (including addresses of employers), and dates of birth. The preceding sentence shall apply to the disclosure of taxpayer identifying numbers only if such disclosure is not otherwise prohibited by section 6103 of the Internal Revenue Code of 1986. The Department of Health and Human Services, and the Department of Labor shall release that information to creditor agencies and may charge reasonable fees sufficient to pay the costs associated with that release.''.

(2) INCLUDED FEDERAL LOAN PROGRAM DEFINED.—Subparagraph (C) of section 6103(l)(3) of the Internal Revenue Code of 1986 (relating to disclosure that applicant for Federal loan has tax delinquent account) is amended to read as follows:

''(C) INCLUDED FEDERAL LOAN PROGRAM DEFINED.—For purposes of this paragraph, the term 'included Federal loan program' means any program under which the United States or a Federal agency makes, guarantees, or insures loans.''.

(3) CLERICAL AMENDMENTS.—

(A) The chapter title to chapter 77 of subtitle VI of title 31, United States Code, is amended to read as follows:

''CHAPTER 77—ACCESS TO INFORMATION FOR DEBT COLLECTION''.

(B) The table of chapters for subtitle VI of title 31, United States Code, is amended by inserting before the item relating to chapter 91 the following new item:

''77. Access to information for debt collection ..... 7701''.

(j)(1) IN GENERAL.—Title 31, United States Code, is amended by inserting after section 3720A the following new section:

''§ 3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan insurance guarantees

''(a) Unless this subsection is waived by the head of a Federal agency, a person may not obtain any Federal financial assistance in the form of a loan (other than a disaster loan) or loan insurance or guarantee administered by the agency if the person has an outstanding debt (other than a debt under the Internal Revenue Code of 1986) with any Federal agency which is in a delinquent status, as determined under standards prescribed by the Secretary of the Treasury. Such a person may obtain additional loans or loan guarantees only after such delinquency is resolved in accordance with those standards. The Secretary of the Treasury may exempt, at the request of an agency, any class of claims.

''(b) The head of a Federal agency may delegate the waiver authority under subsection (a) to the Chief Financial Officer of the agency. The waiver authority may be redelegated only to the Deputy Chief Financial Officer of the agency.''

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720A the following new item:

''3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan insurance guarantees.''.

(k) Section 3711(f) of title 31, United States Code, is amended—

(1) by striking ''may'' the first place it appears and inserting ''shall'';

(2) by striking ''an individual'' each place it appears and inserting ''a person'';

(3) by striking ''the individual'' each place it appears and inserting ''the person''; and

(4) by adding at the end the following new paragraphs:

''(4) The head of each executive agency shall require, as a condition for insuring or guaranteeing any loan, financing, or other extension of credit under any law to a person, that the lender provide information relating to the extension of credit to consumer reporting agencies or commercial reporting agencies, as appropriate.

''(5) The head of each executive agency may provide to a consumer reporting agency or commercial reporting agency information from a system of records that a person is responsible for a claim which is current, if notice required by section 552a(e)(4) of title 5 indicates that information in the system may be disclosed to a consumer reporting agency or commercial reporting agency, respectively.''.

(l) Section 3718 of title 31, United States Code, is amended—

(1) in subsection (a), by striking the first sentence and inserting the following: ''Under conditions the head of an executive, judicial, or legislative agency considers appropriate, the head of the agency may enter into a contract with a person for collection service to recover indebtedness owed, or to locate or recover assets of, the United States Government. The head of an agency may not enter into a contract under the preceding sentence to locate or recover assets of the United States held by a State government or financial institution unless that agency has established procedures approved by the Secretary of the Treasury to identify and recover such assets.''; and

(2) in subsection (d), by inserting '', or to locate or recover assets of,'' after ''owed''.

(m)(1) IN GENERAL.—Section 3711 of title 31, United States Code, is amended by adding at the end the following new subsections:

''(g)(1) If a nontax debt or claim owed to the United States has been delinquent for a period of 180 days—

''(A) the head of the executive, judicial, or legislative agency that administers the program that gave rise to the debt or claim shall transfer the debt or claim to the Secretary of the Treasury; and

''(B) upon such transfer the Secretary of the Treasury shall take appropriate action to collect or terminate collection actions on the debt or claim.

''(2) Paragraph (1) shall not apply—

''(A) to any debt or claim that—

''(i) is in litigation or foreclosure;

''(ii) will be disposed of under an asset sales program within 1 year after becoming eligible for sale, or later than 1 year if consistent with an asset sales program and a schedule established by the agency and approved by the Director of the Office of Management and Budget;

''(iii) has been referred to a private collection contractor for collection for a period of time determined by the Secretary of the Treasury;

''(iv) has been referred by, or with the consent of, the Secretary of the Treasury to a debt collection center for a period of time determined by the Secretary of the Treasury; or

''(v) will be collected under internal offset, if such offset is sufficient to collect the claim within 3 years after the date the debt or claim is first delinquent; and

''(B) to any other specific class of debt or claim, as determined by the Secretary of the Treasury at the request of the head of an executive, judicial, or legislative agency or otherwise.

''(3) For purposes of this section, the Secretary of the Treasury may designate, and withdraw such designation of debt collection centers operated by other Federal agencies. The Secretary of the Treasury shall designate such centers on the basis of their performance in collecting delinquent claims owed to the Government.

''(4) At the discretion of the Secretary of the Treasury, referral of a nontax claim may be made to—

''(A) any executive department or agency operating a debt collection center for servicing, collection, compromise, or suspension or termination of collection action;

''(B) a private collection contractor operating under a contract for servicing or collection action; or

''(C) the Department of Justice for litigation.

''(5) Nontax claims referred or transferred under this section shall be serviced, collected, or compromised, or collection action thereon suspended or terminated, in accordance with otherwise applicable statutory requirements and authorities. Executive departments and agencies operating debt collection centers may enter into agreements with the Secretary of the Treasury to carry out the purposes of this subsection. The Secretary of the Treasury shall—

''(A) maintain competition in carrying out this subsection;

''(B) maximize collections of delinquent debts by placing delinquent debts quickly;

''(C) maintain a schedule of private collection contractors and debt collection centers eligible for referral of claims; and

''(D) refer delinquent debts to the person most appropriate to collect the type or amount of claim involved.

''(6) Any agency operating a debt collection center to which nontax claims are referred or transferred under this subsection may charge a fee sufficient to cover the full cost of implementing this subsection. The agency transferring or referring the nontax claim shall be charged the fee, and the agency charging the fee shall collect such fee by retaining the amount of the fee from amounts collected pursuant to this subsection. Agencies may agree to pay through a different method, or to fund an activity from another account or from revenue received from the procedure described under section 3720C of this title. Amounts charged under this subsection concerning delinquent claims may be considered as costs pursuant to section 3717(e) of this title.

''(7) Notwithstanding any other law concerning the depositing and collection of Federal payments, including section 3302(b) of this title, agencies collecting fees may retain the fees from amounts collected. Any fee charged pursuant to this subsection shall be deposited into an account to be determined by the executive department or agency operating the debt collection center charging the fee (in this subsection referred to in this section as the 'Account').

Amounts deposited in the Account shall be available until expended to cover costs associated with the implementation and operation of Governmentwide debt collection activities. Costs properly chargeable to the Account include—

''(A) the costs of computer hardware and software, word processing and telecommunications equipment, and other equipment, supplies, and furniture;

''(B) personnel training and travel costs;

''(C) other personnel and administrative costs;

''(D) the costs of any contract for identification, billing, or collection services; and

''(E) reasonable costs incurred by the Secretary of the Treasury, including services and utilities provided by the Secretary, and administration of the Account.

''(8) Not later than January 1 of each year, there shall be deposited into the Treasury as miscellaneous receipts an amount equal to the amount of unobligated balances remaining in the Account at the close of business on September 30 of the preceding year, minus any part of such balance that the executive department or agency operating the debt collection center determines is necessary to cover or defray the costs under this subsection for the fiscal year in which the deposit is made.

''(9) Before discharging any delinquent debt owed to any executive, judicial, or legislative agency, the head of such agency shall take all appropriate steps to collect such debt, including (as applicable)—

''(A) administrative offset,

''(B) tax refund offset,

''(C) Federal salary offset,

''(D) referral to private collection contractors,

''(E) referral to agencies operating a debt collection center,

''(F) reporting delinquencies to credit reporting bureaus,

''(G) garnishing the wages of delinquent debtors, and

''(H) litigation or foreclosure.

''(10) To carry out the purposes of this subsection, the Secretary of the Treasury may prescribe such rules, regulations, and procedures as the Secretary considers necessary and transfer such funds from funds appropriated to the Department of the Treasury as may be necessary to meet existing liabilities and obligations incurred prior to the receipt of revenues that result from debt collections.

''(h)(1) The head of an executive, judicial, or legislative agency acting under subsection (a)(1), (2), or (3) of this section to collect a claim, compromise a claim, or terminate collection action on a claim may obtain a consumer report (as that term is defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a)) or comparable credit information on any person who is liable for the claim.

''(2) The obtaining of a consumer report under this subsection is deemed to be a circumstance or purpose authorized or listed under section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b).''.

(2) RETURNS RELATING TO CANCELLATION OF INDEBTEDNESS BY CERTAIN ENTITIES.—

(A) IN GENERAL.—Subsection (a) of section 6050P of the Internal Revenue Code of 1986 (relating to returns relating to the cancellation of indebtedness by certain financial entities) is amended by striking ''applicable financial entity'' and inserting ''applicable entity''.

(B) ENTITIES TO WHICH REQUIREMENT APPLIES.—Subsection (c) of section 6050P of such Code is amended—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) APPLICABLE ENTITY.—The term 'applicable entity' means—

''(A) an executive, judicial, or legislative agency (as defined in section 3701(a)(4) of title 31, United States Code), and

''(B) an applicable financial entity.'', and

(ii) in paragraph (3), as so redesignated, by striking ''(1)(B)'' and inserting ''(1)(A) or (2)(B)''.

(C) ALTERNATIVE PROCEDURE.—Section 6050P of such Code is amended by adding at the end the following new subsection:

''(e) ALTERNATIVE PROCEDURE.—In lieu of making a return required under subsection (a), an agency described in subsection (c)(1)(A) may submit to the Secretary (at such time and in such form as the Secretary may by regulations prescribe) information sufficient for the Secretary to complete such a return on behalf of such agency. Upon receipt of such information, the Secretary shall complete such return and provide a copy of such return to such agency.''

(D) CONFORMING AMENDMENTS.—

(i) Subsection (d) of section 6050P of such Code is amended by striking ''applicable financial entity'' and inserting ''applicable entity''.

(ii) The heading of section 6050P of such Code is amended to read as follows:

''SEC. 6050P. RETURNS RELATING TO THE CANCELLATION OF INDEBTEDNESS BY CERTAIN ENTITIES.''

(iii) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by striking the item relating to section 6050P and inserting the following new item:

''Sec. 6050P. Returns relating to the cancellation of indebtedness by certain entities.''

(n) Effective October 1, 1995, section 11 of the Administrative Dispute Resolution Act (Public Law 101–552, 5 U.S.C. 571 note) shall not apply to the amendment made by section 8(b) of such Act.

(o)(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended in subchapter II by adding after section 3720C, as added by subsection (t) of this section, the following new section:

''§ 3720D. Garnishment

''(a) Notwithstanding any provision of State law, the head of an executive, judicial, or legislative agency that administers a program that gives rise to a delinquent nontax debt owed to the United States by an individual may in accordance with this section garnish the disposable pay of the individual to collect the amount owed, if the individual is not currently making required repayment in accordance with any agreement between the agency head and the individual.

''(b) In carrying out any garnishment of disposable pay of an individual under subsection (a), the head of an executive, judicial, or legislative agency shall comply with the following requirements:

''(1) The amount deducted under this section for any pay period may not exceed 15 percent of disposable pay, except that a greater percentage may be deducted with the written consent of the individual.

''(2) The individual shall be provided written notice, sent by mail to the individual's last known address, a minimum of 30 days prior to the initiation of proceedings, from the head of the executive, judicial, or legislative agency, informing the individual of—

''(A) the nature and amount of the debt to be collected;

''(B) the intention of the agency to initiate proceedings to collect the debt through deductions from pay; and

''(C) an explanation of the rights of the individual under this section.

''(3) The individual shall be provided an opportunity to inspect and copy records relating to the debt.

''(4) The individual shall be provided an opportunity to enter into a written agreement with the executive, judicial, or legislative agency, under terms agreeable to the head of the agency, to establish a schedule for repayment of the debt.

''(5) The individual shall be provided an opportunity for a hearing in accordance with subsection (c) on the determination of the head of the executive, judicial, or legislative agency concerning—

''(A) the existence or the amount of the debt, and

''(B) in the case of an individual whose repayment schedule is established other than by a written agreement pursuant to paragraph (4), the terms of the repayment schedule.

''(6) If the individual has been reemployed within 12 months after having been involuntarily separated from employment, no amount may be deducted from the disposable pay of the individual until the individual has been reemployed continuously for at least 12 months.

''(c)(1) A hearing under subsection (b)(5) shall be provided prior to issuance of a garnishment order if the individual, on or before the 15th day following the mailing of the notice described in subsection (b)(2), and in accordance with such procedures as the head of the executive, judicial, or legislative agency may prescribe, files a petition requesting such a hearing.

''(2) If the individual does not file a petition requesting a hearing prior to such date, the head of the agency shall provide the individual a hearing under subsection (a)(5) upon request, but such hearing need not be provided prior to issuance of a garnishment order.

''(3) The hearing official shall issue a final decision at the earliest practicable date, but not later than 60 days after the filing of the petition requesting the hearing.

''(d) The notice to the employer of the withholding order shall contain only such information as may be necessary for the employer to comply with the withholding order.

''(e)(1) An employer may not discharge from employment, refuse to employ, or take disciplinary action against an individual subject to wage withholding in accordance with this section by reason of the fact that the individual's wages have been subject to garnishment under this section, and such individual may sue in a State or Federal court of competent jurisdiction any employer who takes such action.

''(2) The court shall award attorneys' fees to a prevailing employee and, in its discretion, may order reinstatement of the individual, award punitive damages and back pay to the employee, or order such other remedy as may be reasonably necessary.

''(f)(1) The employer of an individual—

''(A) shall pay to the head of an executive, judicial, or legislative agency as directed in a withholding order issued in an action under this section with respect to the individual, and

''(B) shall be liable for any amount that the employer fails to withhold from wages due an employee following receipt by such employer of notice of the withholding order, plus attorneys' fees, costs, and, in the court's discretion, punitive damages.

''(2)(A) The head of an executive, judicial, or legislative agency may sue an employer in a State or Federal court of competent jurisdiction to recover amounts for which the employer is liable under paragraph (1)(B).

''(B) A suit under this paragraph may not be filed before the termination of the collection action, unless earlier filing is necessary to avoid expiration of any applicable statute of limitations period.

''(3) Notwithstanding paragraphs (1) and (2), an employer shall not be required to vary its normal pay and disbursement cycles in order to comply with this subsection.

''(g) For the purpose of this section, the term 'disposable pay' means that part of the compensation of any individual from an employer remaining after the deduction of any amounts required by any other law to be withheld.

''(h) The Secretary of the Treasury shall issue regulations to implement this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 37 of title 31,

United States Code, is amended by inserting after the item relating to section 3720C (as added by subsection (t) of this section) the following new item:

''3720D. Garnishment.''.

(p) Section 3711 of title 31, United States Code, as amended by subsection (m) of this section, is further amended by adding at the end the following new subsection:

''(i)(1) The head of an executive, judicial, or legislative agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 and using competitive procedures, any nontax debt owed to the United States that is delinquent for more than 90 days. Appropriate fees charged by a contractor to assist in the conduct of a sale under this subsection may be payable from the proceeds of the sale.

''(2) After terminating collection action, the head of an executive, judicial, or legislative agency shall sell, using competitive procedures, any nontax debt or class of nontax debts owed to the United States, if the Secretary of the Treasury determines the sale is in the best interests of the United States.

''(3) Sales of nontax debt under this subsection—

''(A) shall be for—

''(i) cash, or

''(ii) cash and a residuary equity or profit participation, if the head of the agency reasonably determines that the proceeds will be greater than sale solely for cash,

''(B) shall be without recourse, but may include the use of guarantees if otherwise authorized, and

''(C) shall transfer to the purchaser all rights of the Government to demand payment of the nontax debt, other than with respect to a residuary equity or profit participation under subparagraph (A)(ii).

''(4)(A) Within one year after the date of enactment of the Debt Collection Improvement Act of 1996, each executive agency with current and delinquent collateralized nontax debts shall report to the Congress on the valuation of its existing portfolio of loans, notes and guarantees, and other collateralized debts based on standards developed by the Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury.

''(B) The Director of the Office of Management and Budget shall determine what information is required to be reported to comply with subparagraph (A). At a minimum, for each financing account and for each liquidating account (as those terms are defined in sections 502(7) and 502(8), respectively, of the Federal Credit Reform Act of 1990) the following information shall be reported:

''(i) The cumulative balance of current debts outstanding, the estimated net present value of such debts, the annual administrative expenses of those debts (including the portion of salaries and expenses that are directly related thereto), and the estimated net proceeds that would be received by the Government if such debts were sold.

''(ii) The cumulative balance of delinquent debts, debts outstanding, the estimated net present value of such debts, the annual administrative expenses of those debts (including the portion of salaries and expenses that are directly related thereto), and the estimated net proceeds that would be received by the Government if such debts were sold.

''(iii) The cumulative balance of guaranteed loans outstanding, the estimated net present value of such guarantees, the annual administrative expenses of such guarantees (including the portion of salaries and expenses that are directly related to such guaranteed loans), and the estimated net proceeds that would be received by the Government if such loan guarantees were sold.

''(iv) The cumulative balance of defaulted loans that were previously guaranteed and have resulted in loans receivables, the estimated net present value of such loan assets, the annual administrative expenses of such loan assets (including the portion of salaries and expenses that are directly related to such loan assets), and the estimated net proceeds that would be received by the Government if such loan assets were sold.

''(v) The marketability of all debts.

''(5) This subsection is not intended to limit existing statutory authority of agencies to sell loans, debts, or other assets.''.

(q) Section 3717 of title 31, United States Code, is amended by adding at the end of subsection (h) the following new subsection:

''(i)(1) The head of an executive, judicial, or legislative agency may increase an administrative claim by the cost of living adjustment in lieu of charging interest and penalties under this section. Adjustments under this subsection will be computed annually.

''(2) For the purpose of this subsection—

''(A) the term 'cost of living adjustment' means the percentage by which the Consumer Price Index for the month of June of the calendar year preceding the adjustment exceeds the Consumer Price Index for the month of June of the calendar year in which the claim was determined or last adjusted; and

''(B) the term 'administrative claim' includes all debt that is not based on an extension of Government credit through direct loans, loan guarantees, or insurance, including fines, penalties, and overpayments.''.

(r)(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended in subchapter II by adding after section 3720D, as added by subsection (o) of this section, the following new section:

''§3720E. Dissemination of information regarding identity of delinquent debtors

''(a) The head of any agency may, with the review of the Secretary of the Treasury, for the purpose of collecting any delinquent nontax debt owed by any person, publish or otherwise publicly disseminate information regarding the identity of the person and the existence of the nontax debt.

''(b)(1) The Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget and the heads of other appropriate Federal agencies, shall issue regulations establishing procedures and requirements the Secretary considers appropriate to carry out this section.

''(2) Regulations under this subsection shall include—

''(A) standards for disseminating information that maximize collections of delinquent nontax debts, by directing actions under this section toward delinquent debtors that have assets or income sufficient to pay their delinquent nontax debt;

''(B) procedures and requirements that prevent dissemination of information under this section regarding persons who have not had an opportunity to verify, contest, and compromise their nontax debt in accordance with this subchapter; and

''(C) procedures to ensure that persons are not incorrectly identified pursuant to this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by adding after the item relating to section 3720D (as added by subsection (o) of this section) the following new item:

''3720E. Dissemination of information regarding identity of delinquent debtors.''.

(s)(1) IN GENERAL.—The Federal Civil Penalties Inflation Adjustment Act of 1990 (Public Law 101–410, 104 Stat. 890; 28 U.S.C. 2461 note) is amended—

(A) by amending section 4 to read as follows:

''SEC. 4. The head of each agency shall, not later than 180 days after the date of enactment of the Debt Collection Improvement Act of 1996, and at least once every 4 years thereafter—

''(1) by regulation adjust each civil monetary penalty provided by law within the jurisdiction of the Federal agency, except for any penalty (including any addition to tax and additional amount) under the Internal Revenue Code of 1986, the Tariff Act of 1930, the Occupational Safety and Health Act of 1970, or the Social Security Act, by the inflation adjustment described under section 5 of this Act; and

''(2) publish each such regulation in the Federal Register.'';

(B) in section 5(a), by striking ''The adjustment described under paragraphs (4) and (5)(A) of section 4'' and inserting ''The inflation adjustment under section 4''; and

(C) by adding at the end the following new section:

''SEC. 7. Any increase under this Act in a civil monetary penalty shall apply only to violations which occur after the date the increase takes effect.''.

(2) LIMITATION ON INITIAL ADJUSTMENT.—The first adjustment of a civil monetary penalty made pursuant to the amendment made by paragraph (1) may not exceed 10 percent of such penalty.

(t)(1) IN GENERAL.—Title 31, United States Code, is amended by inserting after section 3720B (as added by subsection (j) of this section) the following new section:

''§3720C. Debt Collection Improvement Account

''(a)(1) There is hereby established in the Treasury a special fund to be known as the 'Debt Collection Improvement Account' (hereinafter in this section referred to as the 'Account').

''(2) The Account shall be maintained and managed by the Secretary of the Treasury, who shall ensure that agency programs are credited with amounts transferred under subsection (b)(1).

''(b)(1) Not later than 30 days after the end of a fiscal year, an agency may transfer to the Account the amount described in paragraph (3), as adjusted under paragraph (4).

''(2) Agency transfers to the Account may include collections from—

''(A) salary, administrative, and tax refund offsets;

''(B) the Department of Justice;

''(C) private collection agencies;

''(D) sales of delinquent loans; and

''(E) contracts to locate or recover assets.

''(3) The amount referred to in paragraph (1) shall be 5 percent of the amount of delinquent debt collected by an agency in a fiscal year, minus the greater of—

''(A) 5 percent of the amount of delinquent nontax debt collected by the agency in the previous fiscal year, or

''(B) 5 percent of the average annual amount of delinquent nontax debt collected by the agency in the previous 4 fiscal years.

''(4) In consultation with the Secretary of the Treasury, the Office of Management and Budget may adjust the amount described in paragraph (3) for an agency to reflect the level of effort in credit management programs by the agency. As an indicator of the level of effort in credit management, the Office of Management and Budget shall consider the following:

''(A) The number of days between the date a claim or debt became delinquent and the date which an agency referred the debt or claim to the Secretary of the Treasury or obtained an exemption from this referral under section 3711(g)(2) of this title.

''(B) The ratio of delinquent debts or claims to total receivables for a given program, and the change in this ratio over a period of time.

''(c)(1) The Secretary of the Treasury may make payments from the Account solely to reimburse agencies for qualified expenses. For agencies with franchise funds, such payments may be credited to subaccounts designated for debt collection.

''(2) For purposes of this section, the term 'qualified expenses' means expenditures for the improvement of credit management, debt collection, and debt recovery activities, including—

''(A) account servicing (including cross-servicing under section 3711(g) of this title),

''(B) automatic data processing equipment acquisitions,

''(C) delinquent debt collection,

''(D) measures to minimize delinquent debt,

''(E) sales of delinquent debt,

''(F) asset disposition, and

''(G) training of personnel involved in credit and debt management.

''(3)(A) Amounts transferred to the Account shall be available to the Secretary of the Treasury for purposes of this section to the extent and in amounts provided in advance in appropriations Acts.

''(B) As soon as practicable after the end of the third fiscal year after which amounts transferred are first available pursuant to this section, and every 3 years thereafter, any uncommitted balance in the Account shall be transferred to the general fund of the Treasury as miscellaneous receipts.

''(d) For direct loans and loan guarantee programs subject to title V of the Congressional Budget Act of 1974, amounts credited in accordance with subsection (c) shall be considered administrative costs.

''(e) The Secretary of the Treasury shall prescribe such rules, regulations, and procedures as the Secretary considers necessary or appropriate to carry out the purposes of this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720B (as added by subsection (j) of this section) the following new item:

''3720C. Debt Collection Improvement Account.''.

(u)(1) DISCRETIONARY AUTHORITY.—Section 3720A of title 31, United States Code, is amended by adding after subsection (h) the following new subsection:

''(i) An agency subject to section 9 of the Act of May 18, 1933 (16 U.S.C. 831h), may implement this section at its discretion.''.

(2) FEDERAL AGENCY DEFINED.—Section 6402(f) of the Internal Revenue Code of 1986 (26 U.S.C. 6402(f)) is amended to read as follows:

''(f) FEDERAL AGENCY.—For purposes of this section, the term 'Federal agency' means a department, agency, or instrumentality of the United States, and includes a Government corporation (as such term is defined in section 103 of title 5, United States Code).''.

(v)(1) NOTIFICATION OF SECRETARY OF THE TREASURY.—Section 3720A(a) of title 31, United States Code, is amended to read as follows:

''(a) Any Federal agency that is owed by a person a past-due, legally enforceable debt (including debt administered by a third party acting as an agent for the Federal Government) shall, and any agency subject to section 9 of the Act of May 18, 1933 (16 U.S.C. 831h), owed such a debt may, in accordance with regulations issued pursuant to subsections (b) and (d), notify the Secretary of the Treasury at least once each year of the amount of such debt.''.

(2) IMPLEMENTATION OF SUPPORT COLLECTION BY SECRETARY OF THE TREASURY.—Section 464(a) of the Social Security Act (42 U.S.C. 664(a)) is amended—

(1) in paragraph (1), by adding at the end the following: ''This subsection may be executed by the disbursing official of the Department of the Treasury.''; and

(2) in paragraph (2)(A), by adding at the end the following: ''This subsection may be executed by the Secretary of the Department of the Treasury or his designee.''.

(w) Section 3720A(h) of title 31, United States Code, is amended to read as follows:

''(h)(1) The disbursing official of the Department of the Treasury—

''(1) shall notify a taxpayer in writing of—

''(A) the occurrence of an offset to satisfy a past-due legally enforceable nontax debt;

''(B) the identity of the creditor agency requesting the offset; and

''(C) a contact point within the creditor agency that will handle concerns regarding the offset;

''(2) shall notify the Internal Revenue Service on a weekly basis of—

''(A) the occurrence of an offset to satisfy a past-due legally enforceable non-tax debt;

''(B) the amount of such offset; and

''(C) any other information required by regulations; and

''(3) shall match payment records with requests for offset by using a name control, taxpayer identifying number (as that term is used in section 6109 of the Internal Revenue Code of 1986), and any other necessary identifiers.''.

''(h)(2) The term 'disbursing official' of the Department of the Treasury means the Secretary or his designee.''

(x)(1) AMENDMENTS RELATING TO ELECTRONIC FUNDS TRANSFER.—Section 3332 of title 31, United States Code, popularly known as the Federal Financial Management Act of 1994, is amended—

(A) by redesignating subsection (e) as subsection (h), and inserting after subsection (d) the following new subsections:

''(e)(1) Notwithstanding subsections (a) through (d) of this section, sections 5120 (a) and (d) of title 38, and any other provision of law, all Federal payments to a recipient who becomes eligible for that type of payment after 90 days after the date of the enactment of the Debt Collection Improvement Act of 1996 shall be made by electronic funds transfer.

''(2) The head of a Federal agency shall, with respect to Federal payments made or authorized by the agency, waive the application of paragraph (1) to a recipient of those payments upon receipt of written certification from the recipient that the recipient does not have an account with a financial institution or an authorized payment agent.

''(f)(1) Notwithstanding any other provision of law (including subsections (a) through (e) of this section and sections 5120 (a) and (d) of title 38), except as provided in paragraph (2) all Federal payments made after January 1, 1999, shall be made by electronic funds transfer.

''(2)(A) The Secretary of the Treasury may waive application of this subsection to payments—

''(i) for individuals or classes of individuals for whom compliance imposes a hardship;

''(ii) for classifications or types of checks; or

''(iii) in other circumstances as may be necessary.

''(B) The Secretary of the Treasury shall make determinations under subparagraph (A) based on standards developed by the Secretary.

''(g) Each recipient of Federal payments required to be made by electronic funds transfer shall—

''(1) designate 1 or more financial institutions or other authorized agents to which such payments shall be made; and

''(2) provide to the Federal agency that makes or authorizes the payments information necessary for the recipient to receive electronic funds transfer payments through each institution or agent designated under paragraph (1).''; and

(B) by adding after subsection (h) (as so redesignated) the following new subsections:

''(i)(1) The Secretary of the Treasury may prescribe regulations that the Secretary considers necessary to carry out this section.

''(2) Regulations under this subsection shall ensure that individuals required under subsection (g) to have an account at a financial institution because of the application of subsection (f)(1)—

''(A) will have access to such an account at a reasonable cost; and

''(B) are given the same consumer protections with respect to the account as other account holders at the same financial institution.

''(j) For purposes of this section—

''(1) The term 'electronic funds transfer' means any transfer of funds, other than a transaction originated by cash, check, or similar paper instrument, that is initiated through an electronic terminal, telephone, computer, or magnetic tape, for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account. The term includes Automated Clearing House transfers, Fed Wire transfers, transfers made at automatic teller machines, and point-of-sale terminals.

''(2) The term 'Federal agency' means—

''(A) an agency (as defined in section 101 of this title); and

''(B) a Government corporation (as defined in section 103 of title 5).

''(3) The term 'Federal payments' includes—

''(A) Federal wage, salary, and retirement payments;

''(B) vendor and expense reimbursement payments; and

''(C) benefit payments.

Such term shall not include any payment under the Internal Revenue Code of 1986.''

(2) AMENDMENTS RELATING TO SUBSTITUTE CHECKS.—Section 3331 of title 31, United States Code, is amended—

(A) in subsection (b), by striking ''subsection (c)'' and inserting ''subsection (c) or (f)'';

(B) by redesignating subsection (f) as subsection (g); and

(C) by inserting after subsection (e) the following new subsection:

''(f) The Secretary may waive any provision of this section as may be necessary to ensure that claimants receive timely payments.''.

(3) PERMANENT FUNDING OF THE CHECK FORGERY INSURANCE FUND.—Section 3343 of title 31, United States Code, is amended—

(A) in subsection (a), by amending the second sentence to read as follows: ''Necessary amounts are hereafter appropriated to the Fund out of any moneys in the Treasury not otherwise appropriated, and shall remain available until expended to make the payments required or authorized under this section.'';

(B) in subsection (b)—

(i) by inserting ''in the determination of the Secretary the payee or special endorse establishes that'' after ''without interest if'';

(ii) in paragraph (2), by inserting ''and'' after the semicolon;

(iii) in paragraph (3), by striking ''; and'' and inserting a period; and

(iv) by striking paragraph (4);

(C) in subsection (d), by inserting after the first sentence the following new sentence: ''The Secretary may use amounts in the Fund to reimburse payment certifying or authorizing agencies for any payment that the Secretary determines would otherwise have been payable from the Fund, and may reimburse certifying or authorizing agencies with amounts recovered because of payee nonentitlement.'';

(D) by redesignating subsection (e) as subsection (g); and

(E) by inserting after subsection (d) the following new subsections:

''(e) The Secretary may waive any provision of this section as may be necessary to ensure that claimants receive timely payments.

''(f) Under such conditions as the Secretary may prescribe, the Secretary may delegate duties and powers of the Secretary under this section to the head of an agency. Consistent with a delegation from the Secretary under this subsection, the head of an agency may redelegate those duties and powers to officers or employees of the agency.''.

(y) Section 3325 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(d) The head of an executive agency or an officer or employee of an executive agency referred to in subsection (a)(1)(B), as applicable,

shall include with each certified voucher submitted to a disbursing official pursuant to this section the taxpayer identifying number of each person to whom payment may be made under the voucher.''.

(z)(1) IN GENERAL.—Section 3701 of title 31, United States Code, is amended—

(A) by amending subsection (a)(1) to read as follows:

''(1) 'administrative offset' means withholding funds payable by the United States (including funds payable by the United States on behalf of a State government) to, or held by the United States for, a person to satisfy a claim.'';

(B) by amending subsection (b) to read as follows:

''(b)(1) In subchapter II of this chapter and subsection (a)(8) of this section, the term 'claim' or 'debt' means any amount of funds or property that has been determined by an appropriate official of the Federal Government to be owed to the United States by a person, organization, or entity other than another Federal agency. A claim includes, without limitation—

''(A) funds owed on account of loans made, insured, or guaranteed by the Government, including any deficiency or any difference between the price obtained by the Government in the sale of a property and the amount owed to the Government on a mortgage on the property,

''(B) expenditures of nonappropriated funds,

''(C) over-payments, including payments disallowed by audits performed by the Inspector General of the agency administering the program,

''(D) any amount the United States is authorized by statute to collect for the benefit of any person,

''(E) the unpaid share of any non-Federal partner in a program involving a Federal payment and a matching, or cost-sharing, payment by the non-Federal partner,

''(F) any fines or penalties assessed by an agency; and

''(G) other amounts of money or property owed to the Government.

''(2) For purposes of section 3716 of this title, each of the terms 'claim' and 'debt' includes an amount of funds or property owed by a person to a State (including any past-due support being enforced by the State), the District of Columbia, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Commonwealth of Puerto Rico.'';

(C) by adding after subsection (d) the following new subsection:

''(e) In section 3716 of this title—

''(1) 'creditor agency' means any agency owed a claim that seeks to collect that claim through administrative offset; and

''(2) 'payment certifying agency' means any agency that has transmitted a voucher to a disbursing official for disbursement.

''(f) In section 3711 of this title, 'private collection contractor' means private debt collectors under contract with an agency to collect a nontax debt or claim owed the United States. The term includes private debt collectors, collection agencies, and commercial attorneys.''; and

(D) by amending subsection (d) to read as follows:

''(d) Sections 3711(f) and 3716–3719 of this title do not apply to a claim or debt under, or to an amount payable under—

''(1) the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.),

''(2) the Social Security Act (42 U.S.C. 301 et seq.), except to the extent provided under section 204(f) of such Act and section 3716(c) of this title, or

''(3) the tariff laws of the United States.''.

(2) SOCIAL SECURITY.—

(A) APPLICATION OF AMENDMENTS MADE BY THIS ACT.—Subsection (f) of section 204 of the Social Security Act (42 U.S.C. 404) is amended to read as follows:

''(f)(1) With respect to any deliquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, 3717, and 3718 of title 31, United States Code and in section 5514 of title 5, United States Code, as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.''

(B) PERMANENT APPLICATION.—Subsection (c) of section 5 of the Social Security Domestic Reform Act of 1994 (Public Law 103–387) is amended by striking ''and before'' and all that follows and inserting a period.

(aa)(1) GUIDELINES.—The Secretary of the Treasury, in consultation with concerned Federal agencies, may establish guidelines, including information on outstanding debt, to assist agencies in the performance and monitoring of debt collection activities.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury shall report to the Congress on collection services provided by Federal agencies or entities collecting debt on behalf of other Federal agencies under the authorities contained in section 3711(g) of title 31, United States Code, as added by subsection (m) of this section.

(3) AGENCY REPORTS.—Section 3719 of title 31, United States Code, is amended—

(A) in subsection (a)—

(i) by amending the first sentence to read as follows: ''In consultation with the Comptroller General of the United States, the Secretary of the Treasury shall prescribe regulations requiring the head of each agency with outstanding nontax claims to prepare and submit to the Secretary at least once each year a report summarizing the status of loans and accounts receivable that are managed by the head of the agency.''; and

(ii) in paragraph (3), by striking ''Director'' and inserting ''Secretary''; and

(B) in subsection (b), by striking ''Director'' and inserting ''Secretary''.

(4) CONSOLIDATION OF REPORTS.—Notwithstanding any other provision of law, the Secretary of the Treasury may consolidate reports concerning debt collection otherwise required to be submitted by the Secretary into one annual report.

(bb) The Director of the Office of Management and Budget shall—

(1) review the standards and policies of each Federal agency for compromising, writing-down, forgiving, or discharging indebtedness arising from programs of the agency;

(2) determine whether those standards and policies are consistent and protect the interests of the United States;

(3) in the case of any Federal agency standard or policy that the Director determines is not consistent or does not protect the interests of the United States, direct the head of the agency to make appropriate modifications to the standard or policy; and

(4) report annually to the Congress on—

(A) deficiencies in the standards and policies of Federal agencies for compromising, writing-down, forgiving, or discharging indebtedness; and

(B) progress made in improving those standards and policies.

(cc)(1) ELIMINATION OF MINIMUM NUMBER OF CONTRACTS.—Section 3718(b)(1)(A) of title 31, United States Code, is amended by striking the fourth sentence.

(2) REPEAL.—Sections 3 and 5 of the Act of October 28, 1986 (popularly known as the Federal Debt Recovery Act; Public Law 99–578, 100 Stat. 3305) are hereby repealed.

FEDERAL ADMINISTRATIVE AND PERSONAL SERVICES EXPENSES

(RESCISSIONS)

SEC. 31002. (a) Of the funds available to the agencies of the Federal Government, $500,000,000 are hereby rescinded: Provided, That rescissions pursuant to this paragraph shall be taken only from administrative and personal services and contractual services and supplies accounts: Provided further, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office in the Executive Branch, including the Office of the President.

(b) Within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsections (a) and (b) of this section.

This Act may be cited as the ''Omnibus Consolidated Rescissions and Appropriations Act of 1996''.

And the Senate agree to the same.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing vote of the two Houses on the amendment of the Senate to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying report.

Report language included by the Senate in the report accompanying S. 1594 (S. Rept. 104–236) which is not changed by the conference are approved by the committee of conference. The statement of the managers while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

TITLE I—OMNIBUS APPROPRIATIONS DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Sec. 101.(a).—The text of the language included under section 101(a) of this conference agreement represents the final agreement on appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for fiscal year 1996, with the exception of those Department of Justice General Provisions that were enacted into law in Public Law 104–99. It marks the end of the process that began with H.R. 2076, reported by the House Committee on Appropriations (H. Rep. 104–196) on July 19, 1995, and passed by the House on July 26, 1995. The bill was then reported by the Senate Committee on Appropriations (S. Rep. 104–139) on September 12, 1995, and passed by the Senate on September 29, 1995. The conference report (H. Rep. 104–378, * print) was filed on December 1, 1995, and adopted in the House on December 6, 1995, and in the Senate on December 7, 1995. The President vetoed the bill on December 19, 1995, and on January 3, 1996, although a majority of the House voted for the conference report, the House did not override the veto by the required two-thirds vote. Since that time, funding for many of the programs in this bill has been provided on a temporary basis, although a number of critical law enforcement, judicial, consular, diplomatic security, and small business programs were provided full-year spending authority. While this conference agreement includes the full text of the fiscal year 1996 Commerce, Justice, and State, the Judiciary, and Related Agencies appropriations bill, with the exception noted above, much of the language is identical to the language included in the conference report on H.R. 2076. As a result, only the changes from the conference report on H.R. 2076 are addressed in the statement of managers that follows. With the exceptions that follow, the statement of managers in the conference report

on H.R. 2076 (H. Rep. 104–378, * print) and the applicable portions of the House and Senate reports on H.R. 2076, remain controlling and are incorporated by reference.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $74,282,000 for General Administration, as provided in both the House and Senate bills. The conference agreement also includes a provision that modifies the language, proposed in the House bill and not included in the Senate bill, that limits the number of positions and amounts for the Department Leadership program. The conference agreement does not limit funding under the Department Leadership program to the Offices of the Attorney General and the Deputy Attorney General, as proposed in the House bill. The Senate bill did not include this provision.

COUNTERTERRORISM FUND

The conference agreement includes $16,898,000 for the Counterterrorism Fund, as provided in both the House and Senate bills. The conferees understand that balances of $24,445,000 remain available from the 1995 Supplemental Appropriation, Public Law 104–19, for authorized purposes of this Fund. The Senate bill included a provision in Title III which designated $7,000,000 for emergency expenses to enhance Federal Bureau of Investigation (FBI) efforts in the United States to combat Middle Eastern terrorism, including efforts to prevent fundraising in the United States on the behalf of organizations that support terrorism to undermine the peace process. These funds would have been available only pursuant to an official budget request that declares the funds to be an emergency.

The conferees support the purposes set forth in the Senate amendment. However, the conferees have not included the emergency appropriation for the FBI proposed by the Senate because the conferees were informed that the Department of Justice did not plan to submit an emergency request for funding as required by the Senate bill and the Department of Justice currently has sufficient funding available to enhance the FBI's efforts to combat the flow of dollars to support Middle Eastern terrorism. The conferees note that there are funding balances available in the Department of Justice Counterterrorism Fund which can be applied to this effort. Accordingly, the Attorney General is directed to submit a proposal by May 15, 1996 to the House and Senate Committees on Appropriations to reprogram no less than $4,000,000 in funds from the Counterterrorism Fund to enable the FBI to carry out enhanced efforts in the United States to combat Middle Eastern terrorism, and specifically to enhance FBI efforts to prevent fundraising on behalf of organizations that promote terrorism.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conferees are concerned about growing detention needs identified by the Marshals Service in many areas of the country. The conferees understand that the General Services Administration is planning a shared-use detention facility adjacent to the new courthouse in Portland, Oregon, and expect the Department of Justice to fully cooperate in this planning effort.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement provides $5,319,000 for the Community Relations Service (CRS) as proposed by both the House and Senate. The conferees have also agreed to include a provision added by the Senate, which allows the transfer of additional amounts, pursuant to reprogramming requirements under section 605, if the Attorney General determines that emergent circumstances require additional funding for conflict prevention and resolution activities. The language included in the Senate bill has been modified to assure that the transfer will not be subject to limitations that apply to other Department of Justice transfers.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $2,407,483,000 as proposed by both the House and Senate. Of the amount in the House and Senate bills, $9,500,000 was provided for the FBI to purchase DNA equipment for State and local forensic laboratories. The conferees have agreed to expand the allowed use of these funds, and make up to the full $9,500,000 available for a new State Identification Grants project which would allow States to purchase computerized identification systems that are compatible and integrated with the National Crime Information Center and the Integrated Automated Fingerprint Identification Systems of the FBI. Funds would only be available for this new purpose upon enactment of an authorization. The Senate bill, in section 118, included the authorization and funding for this program. The House bill did not contain a provision on this matter.

The conferees have also included a technical change to clarify that funds provided for the Department of Justice Working Capital Fund to support the NCIC 2000 project are in addition to funds provided under this heading.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $810,168,000 for the salaries and expenses of the Drug Enforcement Administration (DEA) as proposed by the Senate, instead of $805,688,000 as proposed by the House. The additional funds are to support DEA's enforcement activities on the Southwest border and in rural communities.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes a technical change to amounts made available through fiscal year 1997, to reflect a bipartisan, bicameral agreement with the Administration on INS training and hiring priorities for fiscal year 1996, as proposed by both the House and Senate bills. The conference agreement also corrects a technical error in the amounts allocated under the Violent Crime Reduction Trust Fund, as proposed by both the House and Senate bills.

Realignment of Border Patrol positions from interior stations.—The conferees are concerned with the manner in which INS is developing its plan to realign Border Patrol positions from the interior to the front lines of the border. In an effort to balance the goal of the Congress to add 1,000 Border Patrol agents to the front lines of the border and the concerns of the Department of Justice and INS over the ability to hire and train a growing workforce of inexperienced agents, the Committees provided resources for 800 new Border Patrol agents and the realignment of 200 Border Patrol agent positions from interior locations to the front lines of the border. On February 1, 1996, the Committees provided guidance to the Department of Justice on how INS should implement this realignment. Specifically, the Committee directed that any agent redeployment to the border should not create a void in the INS enforcement presence in interior locations and that the backfill plan for affected interior posts should include the following considerations: (1) personnel/relocation issues of agents currently occupying interior positions; (2) the appropriate mix of personnel required to maintain the current functions and activities in interior locations; and (3) the number of INS personnel in interior locations should be maintained unless local law enforcement and other elected officials have had an opportunity to review and comment on any proposed reduction in personnel at any of these posts. The conferees are aware that there is concern in some communities about the potential effect of removing a uniformed presence of immigration officers from these locations. The conferees recognize that in some interior stations, particularly those located in Southwest border States, the ''mix'' of personnel should not be limited to INS officers, but should be comprised of a balanced mix of both Border Patrol agents and INS officers, with each carrying out the functions for which they are trained. The conferees therefore direct INS to adjust any preliminary plans to realign all Border Patrol agent positions from any one interior location to address the need to continue the functions and activities at current levels that require uniformed Border Patrol agents. Furthermore, the conferees expect INS to submit a redeployment plan that addresses these concerns for approval by the Committees on Appropriations of both the House and Senate by May 15, 1996.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conferees are aware of a recent report issued by the National Institute of Corrections (NIC) which identifies serious problems with regard to the District of Columbia Department of Corrections operation of and facilities located at the Lorton Correctional Complex. Pursuant to the relevant section of the District of Columbia Appropriations Chapter, the conferees direct that the Bureau of Prisons spend $200,000 of the amount provided for the NIC to do a study, on behalf of the District of Columbia, for alternatives to correct the problems identified in the recent NIC report. The conferees direct that this plan be completed by December 31, 1996 and forwarded to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

Local Law Enforcement Block Grant.—The conference agreement includes $503,000,000 for the Local Law Enforcement Block Grant program, instead of $1,903,000,000 as proposed by the House and $783,000,000 as proposed by the Senate. Of this amount, the conference agreement provides $11,000,000 for the Boys and Girls Clubs of America, $15,000,000 for the Metropolitan Police Department in Washington, D.C. and up to $18,000,000 for drug courts subject to the reprogramming requirement in section 605. The Senate bill included $20,000,000 for the Boys and Girls Clubs of America, $20,000,000 for the Metropolitan Police Department in Washington, D.C. and $25,000,000 for drug courts. The House bill did not include separate earmarks for these programs.

As proposed in both bills, the conference agreement provides that the funding will be distributed to local governments under the allocation and purposes set forth in H.R. 728, as passed by the House of Representatives on

February 14, 1995, with some modifications included in the conference report on H.R. 2076. The conferees have added language to recognize Puerto Rico as a unit of local government for the purpose of allocation of these funds and have added language prohibiting the use of grants awarded under the block grant as matching funds for any other Federal grant program.

The conferees have also agreed that the funding provided under the block grant for Boys and Girls Clubs of America is made available for the same purposes and in the same manner as funds appropriated under previous appropriations acts for the Department of Justice and will continue to be matched at no less than the same ratio to private sector funds for the establishment of new Boys and Girls Clubs. The conferees expect that this funding will provide at least 100 new Boys and Girls Clubs to serve up to 100,000 children throughout the United States.

In addition, the conferees are aware of the negative impact that the financial crisis in the Nation's Capital has had on the Metropolitan Police Department's ability to effectively fight crime and have provided $15,000,000 specifically for this purpose, in lieu of any funds that would have been available under the formula allocation of the block grant. This is of great concern to the citizens of the city, the Mayor, the District Council, the D.C. Financial Responsibility Authority and the Congress. The amounts provided are intended to support the priorities identified by the Chief of Police to supplement budgeted amounts for the MPD as part of a long-range strategy. The conferees agree that the allocation of these funds is to be made by the Chief of Police, after appropriate consultation with the Committees on Appropriations and the Committees on Judiciary of both the House and Senate. The conferees have included language requiring that these funds, as other Federal funds appropriated to the District, are to be held by the Control Authority and allocated to the MPD by the Authority, based on compliance with the Chief of Police's plan.

The conference agreement does not include $80,000,000 for the Crime Prevention Block Grant program authorized in Subtitle B of title III of the 1994 Crime Bill, as proposed by the Senate. The House bill did not include funding for this program.

COMMUNITY ORIENTED POLICING SERVICES

DISTRICT OF COLUMBIA

Section 101(b) of H.R. 3019 provides appropriations for programs, projects and activities provided for in the conference report (House Report 104–455 filed January 31, 1996) that accompanied the District of Columbia Appropriations Act, 1996 (H.R. 2546). The conference report was adopted in the House of Representatives on January 31, 1996, but was not voted on by the Senate because of a filibuster. The Senate voted on a motion to invoke cloture and close further debate on four separate occasions. The required 60 votes were not attained on any of those votes which occurred on February 27, 1996 (54–44); February 29, 1996 (52–42); March 5, 1996 (53–43); and March 12, 1996 (56–44). H.R. 3019 as passed the House on March 7, 1996, did not include funding for the District of Columbia government; however, the bill as passed the Senate on March 19, 1996, included the conference report (House Report 104–455) that accompanied H.R. 2546 with certain modifications that are explained later in this statement. The language and allocations set forth in House Report 104–294, Senate Report 104–144, and House Report 104–455 are to be complied with unless specifically addressed to the contrary in the accompanying bill and statement of the managers. The conference agreement also includes various technical changes to headings and section references.

D.C. CHARTERED HEALTH PLAN, INC.

The conferees note that language in section 3008 of H.R. 3019, the Omnibus Consolidated Rescissions and Appropriations Act of 1996, under the jurisdiction of the Subcommittee on the Departments of Labor, Health and Human Services, and Education, provides a waiver to the D.C. Chartered Health Plan, Inc., a private provider of managed health care in the District that was established in 1988 and provides health care to 40 percent of the Medicaid AFDC beneficiaries in the District.

INFANT MORTALITY

The conferees are deeply concerned that the status of infant mortality and morbidity in the Nation's Capital continues to be the poorest in the United States. The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act for fiscal year 1991 (H.R. 5257) included funds in the budget for the National Institute of Child Health and Human Development (NICHD) ''to conduct research on pregnancy and perinatology with special emphasis on the determinants and consequences of environmental contributions, including crack cocaine abuse, to the low birth weight and infant mortality problems in the District.'' (Senate Report 101–516, page 118). The report further states that ''The plan should include research projects * * * and the means to contract with a local host institution to provide the clinical facilities associated infrastructure to operate them''.

The conferees request that the NICHD continue its research on pregnancy and perinatology as directed in Senate Report 101–516 and conduct its study within the jurisdictional bounds of the Nation's Capital as spelled out in that report. Further, the conferees urge NICHD to solicit bids only within the District of Columbia, consistent with the intent of Congress as originally reflected in Senate Report 101–516.

D.C. CANINE FACILITY

As noted on page 120 of the conference report (House Report 104–455) that accompanied the District of Columbia Appropriations Act, 1996 (H.R. 2546), the Metropolitan Police Department has had a long-standing need to construct a modernized canine training facility at a location near D.C. Village. The funding for this project has been available for some time; however, for various reasons construction of the facility has been delayed and contract bids have been allowed to expire. The conferees have been informed that the District government has identified approximately $750,000 for construction of the facility and again is proceeding with the required contracting procedures. The schedule provided by District officials calls for the contract to be awarded in July with construction to begin immediately thereafter so that the facility can be occupied by February 1997. The conferees direct District officials to expedite this long overdue project and to immediately advise the House and Senate Committees on Appropriations of any delays. District officials are requested to provide monthly progress reports with detailed explanations for deviations from the schedule. The reports are to be provided to the House and Senate Committees on Appropriations on the first day of each month following the enactment of this Act.

The present canine facility being used by the Metropolitan Police Department is located on property that is being transferred to the Architect of the Capitol as required by Public Law 98–340 and referenced in section 1565 of this Act. For several years the plan has been to use the existing facility, when it becomes available, for the U.S. Capitol Police who have been occupying temporary structures while waiting for the Metropolitan Police to move to their new quarters. During the transition period while the new D.C. canine facility is being constructed, the conferees believe that co-location of the Metropolitan Police and the U.S. Capitol Police canine forces is more economical than providing two separate facilities. The conferees therefore direct the Metropolitan Police Department to share the existing canine facility at D.C. Village with the U.S. Capitol Police and its canine training program. The conferees request monthly reports from both police forces on the status of this sharing arrangement. The first report is due April 30, 1996, with subsequent reports due on the last day of each month until the Metropolitan Police move into the new D.C. canine facility.

TITLE I—FISCAL YEAR 1996 APPROPRIATIONS

FEDERAL CONTRIBUTION FOR EDUCATION REFORM

The conference action deletes this paragraph and the Federal appropriation of $14,930,000 instead of reallocating the low-income scholarship funding of $5,250,000 to repair, modernization, maintenance and planning consistent with subtitles A and F of title II of the bill, the August 14, 1995, recommendations of the ''Superintendent's Task Force on Education Infrastructure for the 21st Century'', and the June 13, 1995, ''Accelerating Education Reform in the District of Columbia: Building on BESST'' (which is the acronym for the Superintendent's educational reform agenda ''Bringing Education Services to Students'') as proposed by the Senate.

GOVERNMENTAL DIRECTION AND SUPPORT

The conference action includes a proviso transferred from the deleted paragraph ''Education Reform'' that directs the District government to enter into negotiations with Gallaudet University for the purpose of transferring the Hamilton Junior High School building from the District's public school system to Gallaudet. The conferees expect that such a transaction, which would require the agreement of both Gallaudet and the District government, would result in substantial proceeds being made available for improving the District's public school facilities in the same ward. The Hamilton School, which is in the midst of the Gallaudet campus, was appraised at approximately $4,000,000 in 1990, though it may be worth somewhat less at present. There is some evidence that the title to the land on which Hamilton is located is vested in the Federal government. The conferees are hopeful that a mutually satisfactory arrangement can be worked out voluntarily between the two parties, with area students the beneficiaries.

EDUCATION REFORM

The conference action deletes this paragraph which appropriated $14,930,000 from the District's general fund for Education Reform initiatives. The proviso in this paragraph relating to Gallaudet University has been transferred to the heading ''Governmental Direction and Support''.

GENERAL PROVISIONS

Lorton Correctional Complex.—The conference action amends section 151 of H.R. 2546 (House Report 104–455) concerning the Lorton Correctional Complex to reflect the findings of a report dated January 30, 1996, issued recently by the National Institute of Corrections (NIC) which identifies very serious problems with the operation, management, and physical plant. The amendment agreed to by the conferees addresses many of the concerns raised by the NIC report and

conforms the initial language to changed timetables. Subsection (a) added by the conferees directs the NIC acting for and on behalf of the District of Columbia to hire a consultant to develop a plan for short-term improvements on a limited number of administrative and physical plant reforms that can be completed within a three to five month time-frame. The language also requires the NIC to submit their report to the President, the Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority no later than September 30, 1996. Subsection (b) directs the NIC acting for and on behalf of the District of Columbia to hire a consultant to develop at least four optional long-term plans for the Lorton Correctional Complex, including: (1) a plan under which the Lorton Correctional Complex will be closed and inmates transferred to new facilities constructed and operated by private entities; (2) a plan under which the Lorton Correctional Complex will remain in operation under the management of the District of Columbia subject to such modification as the District considers appropriate; (3) a plan under which the Federal government will operate the Lorton Correctional Complex and the inmates will be sentenced and treated in accordance with guidelines applicable to Federal prisoners; and (4) a plan under which the Lorton Correctional Complex will be operated under private management. The language also requires the NIC to submit their report to the President, the Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority no later than December 31, 1996.

Adoptions by unmarried couples.—The conference action deletes section 152 of H.R. 2546 (House Report 104–455) that would have prohibited adoptions by unmarried couples except in those cases where one of the individuals was the natural parent.

Chief Financial Officer powers.—The conference action inserts a new section 152 effective during fiscal years 1996 and 1997 which clarifies certain duties and responsibilities of the Chief Financial Officer to enable the CFO to exercise his authority with the independence called for under Public Law 104–8, approved April 17, 1995, which created the District of Columbia Financial Responsibility and Management Assistance Authority and established the Chief Financial Officer position. The Treasurer of the District, the Controller of the District and the head of the Office of Financial Information Services were placed under the CFO's authority by Public Law 104–8. The clarifying language places the directors of the Office of the Budget and the Department of Finance and Revenue as well as all other District of Columbia executive branch accounting, budget, and financial management personnel under the CFO's authority thereby providing the CFO with control over all financial activities of the District government as envisioned by Public Law 104–8. All of these individuals will be appointed by, serve at the pleasure of, and act under the direction and control of the CFO.

Property conveyance.—The conference action inserts a new section 156 requiring the transfer of certain property to the Architect of the Capitol. Public Law 98–340, approved July 3, 1984, provided for a multi-jurisdictional land exchange to allow the Washington Metropolitan Area Transit Authority to complete construction of the Green Line, which was the last segment of the region's rapid rail system. This land exchange resulted from a decision to place a Metro station and parking facility across the Anacostia River near the juncture of the South Capitol Street Bridge and I–295, and involved the Washington Metropolitan Area Transit Authority, the District of Columbia, the National Park Service, and the Architect of the Capitol. The Agreement, which was entered into 12 years ago, included a commitment by the District of Columbia to transfer a portion of D.C. Village to the Architect of the Capitol in exchange for land under the Architect of the Capitol's jurisdiction that was transferred for the Metro facility. All work called for under the Agreement has been completed, including the relocation of Shepherd Parkway. The conferees have included language in section 156 of this Act which requires the District government to provide the Architect of the Capitol with a deed for the property in accordance with the Agreement not later than 30 days after the enactment of H.R. 3019.

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

The conference action amends the District of Columbia school reforms reflected in the conference report (House Report 104–455) on H.R. 2546, the District of Columbia Appropriations Act for fiscal year 1996. the conference agreement deletes ''Subtitle C—Even Start''; ''Subtitle G—Residential School''; and ''Subtitle N—Low-Income Scholarships'' that were included in House Report 104–455. The conference agreement incorporates the provisions of ''Subtitle H—Progress Reports and Accountability'' that was included in House Report 104–455 as the last two sections of subtitle A. The conference agreement also incorporates many of the provisions of ''Subtitle J—Management and Fiscal Accountability'' and ''Subtitle K—Personal Accountability and Preservation of School-Based Resources'' into various general provisions under title I. The remaining sections of subtitles J and K have been consolidated into a new ''Subtitle G—Management and Fiscal Accountability; Preservation of School-Based Resources''.

Recently, the Council of the District of Columbia passed D.C. Bill 11–318, the Public Charter Schools Act of 1996. On March 26, 1996, the Mayor returned the bill to the Council without his signature. In his letter the Mayor states that ''The legislation creates extensive regulations for proposed charter schools without providing significant independent authority.'' His letter further states ''In addition, proposed charter schools might not have available to them certain regional and central system support provided to other schools within the system.'' The conferees are committed to ensuring that charter schools become a reality in the District and have therefore included Subtitle B—Public Charter Schools, in title II of the conference agreement. This subtitle addresses the concerns expressed by the Mayor.

The conference agreement includes residential education as a program that can be provided in a public charter school and requires the District to provide the $130,000 prorata share of Public Charter School Board operating expenses for the remainder of fiscal year 1996. In addition, the conferees note that other portions of this conference agreement provide the U.S. Department of Education with additional funds to support charter school activities in the various states. The conferees intend that the Department provide the District of Columbia with appropriate financial and technical assistance to support the start-up of the Charter School Board.

The conference agreement amends ''Subtitle D—World Class Schools Task Force'' by changing the letter designation from ''D'' to ''C'' and including language to provide funding authorizations in fiscal year 1997. The conference agreement also makes other technical changes in dates as appropriate.

The conferees are deeply concerned about the state of the facilities in the District of Columbia public school system. Subtitle E—School Facilities Repair and Improvement, calls for the U.S. General Services Administration to provide technical assistance to the District of Columbia public schools in the development of a facilities revitalization plan. It also provides waivers to allow private companies to donate materials and services to rehabilitate school facilities. The conference agreement includes narrowly drawn waivers to ensure that private employees may donate their services. The language also ensures that employees of the District of Columbia government will not be called upon to ''volunteer'' to provide services for which they would be paid as a part of their employment.

The conferees encourage the District of Columbia Public Schools in their efforts to establish a residential school to serve the residents of the District of Columbia. The conferees look forward to having the thoughts and plans of the Superintendent and other school officials during consideration of the District's fiscal year 1997 budget and financial plan. Without the availability of Federal funds, the authorizing language included in the conference report (House Report 104–455) on H.R. 2546 as ''Subtitle G—Residential School'' has been deleted.

The conferees believe that leveraging private sector funds to provide the public schools with access to state-of-the-art technology and implementing a regional workforce training initiative are essential to creating a model public education system in the Nation's Capital. In the absence of Federal funds for fiscal year 1996, the conferees have amended the authorizations included in the conference report (House Report 104–455) on H.R. 2546 for these programs to begin in fiscal year 1997. The conference agreement deletes section 2704(e) ''Professional Development Program for Teachers and Administrators'' that had been included in the conference report (House Report 104–455) on H.R. 2546.

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

The conference agreement includes $1,400,000,000 for Community Oriented Policing Services (COPS), instead of $975,000,000 as proposed by the Senate and no funding for this program as proposed by the House. Of the amount provided, $10,000,000 is included for the Police Corps program. The conferees have also included a technical change referencing the authorizations for the Police Corps program under the 1994 Crime Bill, as proposed by the Senate.

The conferees agree that the funding provided should be used for the purpose of providing grants which will yield at least 19,000 additional police officers on the street in order to reach the goal of 100,000 additional police officers by the year 2000 which will require similar funding levels in fiscal years 1997 through 1999 with the balance to be funded in the year 2000. The conferees note that with this funding, two years into the six-year Community Policing program, at least 45,000 police will have been hired. A clear path to achieving the mutual objective of putting more police on the street has been established. In addition, the conferees have provided $503,000,000 for the Local Law Enforcement block Grant that should provide for even more police being hired at an even faster pace.

The conferees agree that the primary objective of COPS funding is to hire new police officers in the most cost-effective manner possible. The conferees direct that, from this point forward, the COPS office use grant funds to the maximum extent possible to

hire more police, and should not use these funds for non-hiring projects. Funding for these purposes, such as equipment, training and overtime, is available to localities through the Local Law Enforcement Block Grant and need not be duplicated under this program. The conferees have also included language that limits the amount spent on program management and administration to 130 positions and $14,602,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following General Provisions for the Department of Justice that were not enacted into law under Public Law 104–99. The conferees have also included language under section 616 to reinforce that the General Provisions for the Department of Justice enacted under section 211 of Public Law 104–99 shall continue to remain in effect. A Department of Justice legal opinion dated February 27, 1996, states that all the General Provisions for the Department of Justice included in the conference report on H.R. 2076, with the exception of section 114, were enacted into law under Public Law 104–99 on January 26, 1996. The Senate bill repeated all general provisions, except for sections 116 through 119 which were permanent changes to law, and the House bill did not include any of the general provisions with the exception of section 114.

The conferees note that under section 106, which is currently enacted in law, the Department of Justice was provided the authority to spend up to $10,000,000 for rewards for information regarding acts of terrorism against the United States. The conferees agree that the Attorney General, before making any international reward, should continue to consult and coordinate with the Secretary of State.

Sec. 114. The conferees have agreed to include section 114 and have revised the language proposed in the House and Senate bills which authorizes a new Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program to replace the program currently authorized in Title II of the Violent Crime Control and Law Enforcement Act of 1994. The House bill included the revised Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program as passed in the conference report on H.R. 2076. The Senate bill included a revision to the language included in the conference report on H.R. 2076.

As provided in both the House and Senate bills, the conference agreement includes $617,500,000 under the Violent Crime Reduction Programs for State and Local Law Enforcement Assistance for this provision. Of the funds provided, and after amounts allocated for incarceration for criminal aliens, the Cooperative Agreement Program and incarceration of Indians on Tribal lands, $403,875,000 is available for State Prison Grants and the administration of this program.

The conferees agree that the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program should reward and provide an incentive to States that are taking the necessary steps to keep violent criminals off the streets. The conferees further agree that the program currently authorized in the Violent Crime Control and Law Enforcement Act of 1994 fails to provide an adequate incentive for States to adopt tougher sentencing policies. The conferees are also concerned that sufficient seed money to States is needed to encourage States to adopt truth-in-sentencing. Thus, of the amount available, the conferees have agreed that 50 percent would be set aside for Truth-in-Sentencing Grants and the remaining 50 percent would be distributed as General Grants to all states that qualify. Under the revised language, States would no longer be forced to choose between mutually exclusive grant programs. States qualifying for Truth-in-Sentencing Grants would receive those funds in addition to any General Grant funds they are eligible to receive. The conferees further intend that in the future the percentage of prison grant funds dedicated to General Grants should decline in order to provide a greater incentive for States to adopt truth-in-sentencing policies.

The conferees have therefore adopted language that provides that all States that provide assurances to the Attorney General that the State has implemented, or will implement, correctional policies and programs that (a) ensure that violent offenders serve a substantial portion of the sentences imposed; (b) are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders; and (c) ensure that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public, will receive ''seed'' funding to increase their capacity of prison space. A State will receive additional funding from General Grants if the State can demonstrate that, in addition to the above assurances, the State has (a) increased the number of persons sentenced to prison who have been arrested for violent crimes; or (b) increased the sentences of persons convicted of violent crimes or the average prison time actually served; or (c) increased by over 10 percent over the last three years the number of persons sent to prison for committing violent crime.

A State will be eligible to receive a Truth-in-Sentencing Grant in addition to General Grant funding it is eligible for, if the State has adopted truth-in-sentencing laws which require persons sentenced to prisons for violent crimes to serve at least 85 percent of their sentence. In addition, if a State practices indeterminate sentencing, that is, a State in which the sentence imposed by the court may involve a range of imprisonment, it may be eligible to receive a Truth-in-Sentencing Grant if (1) the State has ''sentencing and release guidelines'' (which refers to guidelines that by law are utilized both by courts for guidance in imposing a sentence and by parole release authorities in establishing a presumptive release date when the offender has entered prison) and violent offenders serve on average not less than 85 percent of the period to the presumptive release date prescribed by these guidelines, or (2) the State demonstrates that violent offenders serve on average not less than 85 percent of the maximum prison term allowed under the sentence imposed by the court.

The revised language included in this section authorizes $10,267,600,000 for fiscal years 1996 through 2000 for States to build or expand correctional facilities for the purpose of incapacitating criminals convicted of part I violent crimes, or persons adjudicated delinquent for an act which if committed by an adult, would be a part I violent crime. It does not allow funds to be used to operate prisons as provided in the current program and it requires a ten percent match by the State instead of a 25 percent match as included in the current program. The conferees agree that in developing criteria for determining the eligibility for funding to build or expand bedspace, the Department of Justice should include a requirement that States demonstrate the ability to fully support, operate and maintain the prison for which the State is seeking construction funds.

Other provisions of the new authorization require that States share up to 15 percent of the funds received with counties and other units of local government for the construction and expansion of correctional facilities, including jails, to the extent that such units of local government house state prisoners due to States carrying out the policies of the Act. In addition, under exigent circumstances, States may also use funds to expand juvenile correctional facilities, including pretrial detention facilities and juvenile boot camps. In order to be eligible for grants, States are also required to implement policies that provide for the recognition of the rights and needs of crime victims.

In addition, of the total amount provided, $200,000,000 is available for payments to States for the incarceration of criminal aliens. The conferees intend that this funding should be merged with and administered under the State Criminal Alien Assistance Program (SCAAP), including the normal authority to utilize up to one percent of the funds for administrative purposes. The conferees expect the Department of Justice to provide these funds to eligible States in a timely manner.

Sec. 120.—The conference agreement includes a new general provision, as proposed by the Senate as section 116, which extends the Department of Justice's pilot debt collection project through September 30, 1997. The House bill did not include this provision.

Sec. 121.—The conference agreement includes a new general provision, proposed by the Senate as section 117, which amends the 1994 Crime Bill to define ''educational expenses'' to be funded under the Police Corps program. The conference agreement modifies the language proposed by the Senate to assure that the course of education being pursued under this program is related to law enforcement purposes. The House bill did not include this provision.

Sec. 122.—The conference agreement includes a technical correction, similar to section 109 as proposed by the Senate, to the U.S. Code citation regarding the Assets Forfeiture Fund to conform to changes enacted into law under Public Law 104–66 and Public Law 104–99 and to ensure the intended effect of these changes. The House bill did not include this technical correction.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

TRADE AND INFRASTRUCTURE DEVELOPMENT

U.S. TRAVEL AND TOURISM ADMINISTRATION

The conference agreement, like the House and Senate bills, does not include funding for the U.S. Travel and Tourism Administration. Its functions are in the process of being transferred to the International Trade Administration, and no further funding is required.

ECONOMIC AND INFORMATION INFRASTRUCTURE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes language proposed by the Senate clarifying the authority of the Secretary of Commerce to charge federal agencies for spectrum management, analysis, operations and related services, which was not addressed in the House bill, and making technical changes to language included in the House bill regarding the retention and use of all funds so collected.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $301,000,000 for Industrial Technology Services, of which $80,000,000 is for the Manufacturing Extension Partnership (MEP) program, and of which $221,000,000 is for the Advanced Technology Program (ATP). The

House bill included $80,000,000 for the MEP, and $100,000,000 in contingent appropriations for ATP. The Senate bill included $80,000,000 for MEP, and $235,000,000 in contingent appropriations for ATP.

The amount provided for ATP in this agreement represents the Commerce Department's most recent estimate of the amount required to pay for continuation grants required in fiscal year 1996 for ATP awards made in fiscal year 1995 and prior years. The conferees are agreed that the Commerce Department and NIST should accord highest priority to honoring these prior year commitments. The Department shall submit a plan indicating how it intends to spend the funds available for ATP this year within 30 days of the enactment of this Act.

The conferees remain supportive of biotechnology research and innovation centers which provide technical and financial assistance, education and training to help create and promote promising new companies. The conferees note that the Department has previously provided support for these centers in several States, including Massachusetts, and believe that such support is in keeping with the Department's mission of promoting both economic and trade opportunities. Therefore, the conferees believe that the Department should make available sufficient funds for continuing operations of these centers at levels consistent with previous years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a direct appropriation of $1,792,677,000 for the National Oceanic and Atmospheric Administration's Operations, Research, and Facilities account, as proposed by the House, instead of $1,799,677,000 as proposed by the Senate. The conference agreement does not include $7,000,000 proposed in the Senate bill for the Global Learning and Observations to Benefit the Environment program. The House bill and the conference agreement do not include funding for this program.

In addition, the following clarifications of issues in the statement of managers accompanying the conference report on H.R. 2076 are provided:

The conferees do not expect NOAA to undertake a deep ocean isolation study during fiscal year 1996.

Funds for mapping, charting, and geodesy services are to be used to acquire such services through contracts entered into with qualified private sector contractors when such contracts are the most cost-effective method of obtaining those services.

Because of the reduced funding level for the fleet and the emphasis on contracting for services, the conferees would like NOAA to submit a plan for purchases of fleet vessel equipment prior to expending funds for this purpose.

The conferees agree with language included in the Senate report on H.R. 2076 regarding NOAA utilization of the UNOLS (university) fleet for its research needs.

The conferees strongly concur with the House, Senate, and joint House/Senate conference reports to H.R. 2076 regarding NMFS and NOAA actions on sea turtle conservation and shrimp fishery issues except that the conferees direct that any revisions, if necessary, that are based on the NMFS November 14, 1994 or subsequent Biological Opinions shall include the results of the independent scientific peer review and alternatives for lessening the economic impact on the shrimp fishing industry as directed in both the House and Senate reports to H.R. 2076. Additionally, the conferees direct NMFS and the Department of Commerce to provide within 30 days of enactment of this Act a detailed written report to the Committees on Appropriations that includes: (1) the results of the independent peer review of the NMFS November 14, 1994 Biological Opinion on sea turtle conservation as directed in the conference report to H.R. 2076; (2) the findings and recommendations of the scientific expert working group directed to be established in the House and Senate reports to H.R. 2076; (3) the results of the meetings with the shrimp fishing industry and the conservation community as directed by the House and Senate reports to H.R. 2076; and (4) conclusions of the economic impact analysis directed to be completed in the House and Senate reports to H.R. 2076. The conferees are concerned that NOAA and the Department of Commerce are proceeding with additional restrictions on the shrimp fishery before the results of these analyses and reviews are completed and despite NMFS and Coast Guard data confirming that shrimp fishermen are complying with existing fishing restrictions at a 97 to 99 percent rate.

TECHNOLOGY ADMINISTRATION

OFFICE OF THE UNDER SECRETARY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement provides $7,000,000 for the Office of Technology Policy, instead of $5,000,000 as proposed by the House, and $5,000,000 and an additional $2,000,000 in contingent appropriations as proposed by the Senate.

The $2,000,000 provided over the House amount, which is also $2,000,000 over the amount provided in the conference report on H.R. 2076, is to be used to support the civilian technology initiatives with which the Technology Administration is involved, including international science and technology policy assessment, industrial competitiveness studies, support for the U.S./Israel Secretariat and the National Medal of Technology. The funds are not intended to be used to supplant the need for the downsizing of employment that is nearing completion in the Technology Administration.

The Senate bill provided an additional $2,000,000 in contingent appropriations for the U.S.-Israel Science and Technology Commission, which is not included in the conference agreement. As provided in both the House and Senate reports on H.R. 2076, the Committees continue to support the U.S.-Israel Science and Technology Commission. The conferees expect the Commerce Department to provide its commitment of $2,500,000 for this program in fiscal year 1996 from within available resources, subject to the standard transfer and reprogramming procedures set forth under sections 205 and 605 of this section of the bill.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

Sec. 206. The conference agreement does not include language proposed by the Senate to prohibit the use of funds by the Secretary of Commerce to issue final determinations under the Endangered Species Act. The House bill contained no provision on this matter under this Chapter. Language on this issue is not necessary under this Chapter because the issue is being addressed on a government-wide basis under the Department of Interior and Related Agencies Chapter.

Sec. 210. The conference agreement includes a modified general provision proposed by the House, but not in the Senate bill, to prohibit the use of funds to develop or implement new individual fishing quota, individual transferable quota, or individual transferable effort allocation programs until offsetting fees to pay for the cost of administering such programs are authorized. The House provision applied only to individual transferable quota programs. In addition, the conference agreement adds language not in the House bill to clarify that the restriction does not apply to any program approved prior to January 4, 1995.

Sec. 211. The conference agreement includes a general provision, similar to language proposed under title III of the Senate bill, to amend Section 308(d) of the Interjurisdictional Fisheries Act of 1986 to increase flexibility in providing grants to commercial fishermen for uninsured losses resulting from a fishery resource disaster arising from a natural disaster. The changes from the language proposed by the Senate are designed to provide further assurances that any fishing boat bought back under this program must be scrapped or otherwise disposed of in a way that prevents the boat from reentering any fishery. The House bill contained no similar provision

Sec. 212. The conference report includes a general provision, not in either bill, giving the Secretary of Commerce authority to award contracts for mapping and charting activities in accordance with the Brooks Act, Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.). The statement of managers accompanying the conference report on H.R. 2076 indicated that the conferees expected NOAA to award contracts in accordance with this Act, but the Department has indicated that statutory language is required to carry out the conferees' intent.

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement, like the House and Senate versions of H.R. 3019, strikes language included in the conference report on H.R. 2076 which prohibited the extension of machine readable visa fees after April 1, 1996. In section 112 of Public Law 104–92, a full year extension of the authority to collect the fee was enacted into law.

The statement of managers in the conference agreement on H.R. 2076 (H. Rep. 104–378) contained an incorrect description of the contents of the agreement relating to funding for the Diplomatic Telecommunications Service (DTS). That conference report included language that provided $24,856,000 for DTS operation of existing base services, and not to exceed $17,144,000 for enhancements to remain available until expended, of which $9,600,000 was not to be made available until expiration of 15 days after submission of the pilot project report. The conferees have agreed to reduce the amount withheld from $9,600,000 to $2,500,000.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference report includes $385,760,000 for Security and Maintenance of United States Missions, as proposed in both the House and Senate bills, but does not include an additional contingent appropriation of $8,500,000 as proposed in title IV of the Senate bill.

The additional rescission in this account proposed by the Senate is addressed separately under the Rescissions section.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $892,000,000 for Contributions to International Organizations, to pay the costs assessed to the United States for membership in international organizations, compared to

$700,000,000 and an additional $158,000,000 in contingent appropriations in the House bill, and $700,000,000 and an additional $223,000,000 in contingent appropriations in the Senate bill.

In addition, the conference agreement includes language withholding $80,000,000 of the total provided, to be made available on a quarterly basis upon certification by the Secretary of State that the United Nations has taken no action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget for the biennium 1996–1997 adopted in December, 1995. The House bill contained a proviso withholding one-half of the proposed contingent funding for this account until the Secretary of State certified that the United Nations had taken no action to cause it to exceed its no growth budget for the biennium 1996–1997 adopted in December, 1995. The Senate bill contained no provision on this matter.

From within the funds provided under this heading, funding is to be provided at the full fiscal year 1996 request level to the International Atomic Energy Agency, the World Trade Organization, the North Atlantic Treaty Organization, and the related North Atlantic Assembly. Funding is also provided at the full fiscal year 1996 request level to the United Nations to fully fund the United States commitment at the 25 percent assessment rate provided that the certifications that it is not overspending its no-growth budget are made. No funds are to be provided to the United Nations Industrial Development Organization, the Inter-American Indian Institute, the Pan American Railway Congress Association, the Permanent International Association of Road Congresses, and the World Tourism Organization. Should the requested funding level, which is provided in this conference agreement, fall short of actual assessments, the shortfall should be allocated among the remaining organizations and be prioritized according to the importance of each international organization to the national interest of the United States.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement includes $359,000,000 for Contributions for International Organizations, compared with $225,000,000 and an additional $2,000,000 in contingent appropriations in the House bill, and $225,000,000 and an additional $215,000,000 in contingent appropriations in the Senate bill.

In addition, the conference agreement includes a technical correction in language included in the conference report on H.R. 2076, as proposed in both the House and Senate versions of H.R. 3019.

The conference agreement retains the limitations on expenditure of these funds, as contained in both the House and Senate bills and the conference report on H.R. 2076.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

The conference agreement includes $38,700,000, instead of $35,700,000, as proposed by the Senate, and $32,700,000, as proposed by the House.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement does not include bill language proposed by the Senate to provide $1,800,000 to the Mike Mansfield Fellowship Program. The House bill contained no provision on this matter.

While the conferees have not included the language proposed by the Senate, they have agreed that the USIA shall disburse funds in the amount of $1,800,000 to the Mansfield Center for Pacific Affairs to cover the Center's costs in fully implementing the Mike Mansfield Fellowships including the posting of seven 1995 fellows and their immediate families in Japan in order that the fellows may work in a Japanese government agency for one year, preparation and training for ten 1996 fellows, the recruitment and selection of the ten 1997 fellows, and attendant administrative costs.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

Sec. 405. The conference agreement provides a full-year waiver of the limitation on operations of the Department of State, the U.S. Information Agency, and the Arms Control and Disarmament Agency in the absence of an authorization, as proposed in the Senate bill. The House bill included a waiver until April 1, 1996.

The conference agreement does not include a provision, included in the Senate bill as section 407, to extend the authorization for the Au Pair program through the year 1999. The House bill contained no similar provision. This provision is not required, because a free-standing two-year authorization for the program has been enacted into law (P.L. 104–72).

Sec. 407.—The conference agreement includes language, as provided in both the House and Senate bills, to allow the Eisenhower Exchange Fellowship Program to use one-third of earned but unused trust income each year for three years beginning in fiscal year 1996.

Sec. 410.—The conference agreement includes a provision authorizing continuing contract authority for the construction of a USIA international broadcasting facility on Tinian, Commonwealth of the Northern Mariana Islands, as proposed by the Senate bill. The House bill contained no similar provision.

The conferees agree that prior to the award of a contract for this facility, USIA is required to submit a final plan for this facility, including expected cost, construction time, funding requirements, and expected utilization of the facility, according to the standard reprogramming requirements of the Committees on Appropriations of the House and the Senate, the House International Relations Committee, and the Senate Foreign Relations Committee.

Sec. 411.—The conference agreement includes language proposed in section 3010 of the Senate bill relating to the Arms Control and Disarmament Agency that makes unexpended carryover appropriated in fiscal year 1995 for activities related to the implementation of the Chemical Weapons Convention available for ACDA operations. The House bill contained no provision on this issue.

RELATED AGENCIES

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

The conference agreement includes $50,000 for the Competitiveness Policy Council instead of $100,000 as proposed by the Senate and no funding as proposed by the House. The conference agreement also includes language stating that this is the final Federal payment to the Council. As a result, the conferees expect the Council to use the remaining funds to proceed with the orderly termination of the Council.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $185,709,000 in total resources for the Federal Communications Commission, $10,000,000 more than provided in the conference report on H.R. 2076 and in the House bill, and $10,000,000 less than provided in the Senate bill. The additional $10,000,000 over the House bill is to be derived from increased fees and is being provided to the Commission to cover costs associated with implementation of the Telecommunications Act of 1996.

The conference agreement also includes bill language revisions to the FCC fee schedule relating to ten specific television broadcasting fee categories, as proposed in the Senate bill. The House bill contained no similar provision.

The conference agreement includes language, not in either the House or Senate bill, to allow the Federal Communications Commission to address an issue that appears to present unique circumstances that require immediate attention. WQED, which operates two non-commercial stations in Pittsburgh, Pennsylvania, has indicated it is in financial difficulty, and is seeking the opportunity to obtain a determination on an expedited basis as to whether it could convert one of its stations to a commercial station and then assign the license for the station, using the proceeds to relieve its financial difficulties. The language included in the conference report addresses this situation by assuring speedy consideration of the issue by the FCC. The language requires the FCC to make a determination on a petition submitted by WQED within 30 days, and gives the FCC the authority to provide WQED the relief it is seeking as one of the options that the FCC can consider in making its determination.

The Conference agreement does not include language proposed in the Senate bill requiring the FCC to pay the travel-related expenses of the Federal-State Joint Board on Universal Service, but the conferees expect that these expenses will be covered within the additional resources provided by the agreement. The House bill contained no similar provision.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement provides $278,000,000 for the Legal Services Corporation, as proposed by the House, instead of $300,000,000 as proposed by the Senate. In addition, the conference agreement does not include $9,000,000 in additional contingent appropriations, as proposed by the Senate under title IV of the Senate bill.

Within the total amounts provided, the conferees agree that the funds should be distributed as follows: (1) $269,400,000 for basic field programs and required independent audits carried out in accordance with section 509; (2) $1,500,000 for the Office of Inspector General; and (3) $7,100,000 for management and administration. The conferees are aware that the Legal Services Corporation has recently identified $400,000 in prior year carryover funds. The conferees expect the Committees on Appropriations of the House and Senate to be notified prior to any further expenditure of these funds in accordance with section 605 of this Act. The conference agreement does not include language, proposed by the Senate, for payment of attorneys fees for a specific civil action.

The Legal Services Corporation historically has distributed funding for basic field programs (for all eligible clients) on an equal figure per poor person based on the 1990 census, with an exception that adjusts the formula for certain isolated states and territories. The conferees are encouraged that the Corporation has worked expeditiously to distribute funding on a competitive award basis, and urge the Corporation to continue implementation of the system that has been

developed to continue providing grants to all eligible populations.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The conference agreement includes language proposed by the Senate under section 504 to provide an exception to the prohibition contained therein that would permit recipients of LSC grants to use funds derived from non-Federal sources to comment on public rulemakings or to respond to a written request for information or testimony from a governmental body, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made. The House bill contained no similar exception to the prohibition contained in the bill.

The conference agreement corrects a code citation in section 504(a)(10)(c), as proposed in the Senate bill. The House bill contained the code citation provided in the conference report on H.R. 2076.

The conference agreement includes language under section 508 to allow for the collection of attorneys fees for cases or matters pending prior to enactment of this Act. This provision does not allow the collection of attorneys fees for any new or additional claim or matter not initiated prior to enactment of this Act. Neither the House nor Senate bill contained a provision on this matter.

The conference agreement makes a modification to language included in section 508 in both the House and Senate bills to provide for a limited transition time for LSC grantees to dispose of pending cases and matters initiated prior to enactment of this Act, which would now be prohibited under this Act. The agreement provides LSC grantees until August 1, 1996 to dispose of all such cases.

The conference agreement contains modifications to language in section 509 proposed by the Senate related to the procedures by which LSC grantees are audited and the manner in which recipients contract with licensed independent certified public accountants for financial and compliance audits. Also included are modifications to language proposed by the Senate to clarify that only the Office of the Inspector General shall have oversight responsibility to ensure the quality and integrity of the financial and compliance audit process. Language is also included, as proposed by the Senate, to clarify the Corporation management's duties and responsibilities to resolve deficiencies and noncompliance reported by the Office of the Inspector General. Further, language is included, as proposed by the Senate, authorizing the Office of the Inspector General to conduct additional on-site monitoring, audits, and inspections necessary for programmatic, financial and compliance oversight. The House bill contained the provisions included in the conference report on H.R. 2076.

OUNCE OF PREVENTION COUNCIL

The conference agreement includes $1,500,000 for the Ounce of Prevention Council as proposed by the Senate. The House bill did not include funding for this organization.

GENERAL PROVISIONS

Sec. 609. The conference agreement includes a general provision prohibiting use of funds to pay for expansion of diplomatic or consular operations in Vietnam unless the President certifies within 60 days that Vietnam is cooperating in full faith with the U.S. on POW/MIA issues. The conference report on H.R. 2076 and the House bill contained a provision prohibiting use of funds unless the President certifies that Vietnam is fully cooperating with the U.S. on these issues. The Senate bill did not include a provision on this matter.

Sec. 616–617. The conference agreement includes two provisions clarifying the relationship of provisions in the Commerce, Justice, and State, the Judiciary, and Related Agencies appropriations bill to several full-year provisions provided in previous continuing resolutions and the Balanced Budget Downpayment Act, I.

The Senate bill included a provision repealing the section of the Balanced Budget Downpayment Act, I that set out the operating rates for programs funded under the Commerce, Justice, and State the Judiciary, and Related Agencies appropriations bill.

The House bill included a provision, section 105, that addressed the relationship of the provisions of this bill to previous year 1996 appropriations measures for all the appropriations bills included in H.R. 3019.

RESCISSIONS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

The conference agreement includes a rescission of $64,500,000 from balances in the Acquisition and Maintenance of Buildings Abroad account, compared with a rescission of $60,000,000 included in the conference report on H.R. 2076 and proposed in the House bill and a rescission of $95,500,000 proposed in the Senate bill.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

Section 101(c) provides fiscal year 1996 appropriations for the Department of the Interior and Related Agencies which are effective upon enactment of this Act as if it had been enacted into law as the regular appropriations Act.

The conference agreement on section 101(c) incorporates many of the provisions of the conference agreement on H.R. 1977, House Report 104–402. Report language and allocations set forth in the conference agreement on H.R. 1977 that are not changed by the conference agreement on section 101(c) of H.R. 3019 are approved by the committee of conference. The report language and allocations adopted by the conference agreement on H.R. 1977 are unchanged unless expressly provided herein.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

$567,453,000 is appropriated for Management of Lands and Resources instead of $568,062,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $609,000 for headquarters administration.

Bill Language. Language restricting the use of funds for the Mojave National Preserve in California has been deleted. This issue is dealt with in more detail in section 119 of this Act under the heading General Provisions, Department of the Interior.

PAYMENTS IN LIEU OF TAXES

$113,500,000 is appropriated for Payments in Lieu of Taxes instead of $101,500,000 as proposed by the conference agreement on H.R. 1977.

OREGON AND CALIFORNIA GRANT LANDS

$97,452,000 is appropriated for Oregon and California Grant Lands instead of $93,379,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $4,073,000 for collocation of the Oregon State office of the Bureau of Land Management with the Pacific northwest regional office of the Forest Service.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

$501,010,000 is appropriated for Resource Management instead of $497,943,000 as proposed by the conference agreement on H.R. 1977. Changes from the earlier agreement include a decrease of $183,000 for headquarters administration and an increase of $3,250,000 for the endangered species program.

The managers understand that the Service has been directed by the U.S. district court for the western district of Washington to finalize critical habitat designation for the marbled murrelet by May 15, 1996 and that the Department of Justice has filed a motion to stay enforcement of the order. The managers expect the Service, to the extent it proceeds with the critical habitat designation process for the marbled murrelet, to consider carefully the concerns of all interested parties including the States and private landowners. Potential economic impacts on private landowners should be fully evaluated and, to the extent practicable, every attempt should be made to ameliorate adverse impacts and use Federal lands in establishing critical habitat. If the May 15 deadline remains in effect and proves to be unrealistic, the Service should so notify the court and petition for an extension.

Bill Language. Language has been included placing a moratorium on the use of funds by the Secretaries of the Interior and Commerce for endangered species listing activities, except for delisting, reclassification and emergency listings. An earmark of $4 million is included for those activities not subject to the moratorium. The managers have also provided authority to the President to suspend the moratorium if he determines that such a suspension is appropriate based on public interest in sound environmental management, sustainable resource use, protection of national or local interests or protection of cultural, biological or historic resources. Any such suspension must be reported to the Congress.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

$1,082,481,000 is appropriated for Operation of the National Park System instead of $1,083,151,000 as proposed by the conference agreement on H.R. 1977. The change to the previous agreement is a decrease of $670,000 for headquarters administration.

The managers understand that the Service and the Federal Highway Administration are in the process of realigning and widening the 15th Street corridor at Raoul Wallenberg Place in Washington, DC. The managers are aware of concerns that this effort will have a negative impact on the size and quality of the sports field located across the street from the Holocaust Memorial Museum. The managers expect the Service to provide an assessment to the House and Senate Committees on Appropriations on the impact the construction of this corridor will have on said field including any alterations to the current size and quality of the playing area and an estimate of the length of time the field will remain unusable for sporting events. This assessment should also include a cost estimate for (1) preservation or realignment of the field needed to allow sports activities to continue; (2) leveling of the field and repair of the field's surface with new grass; and (3) annual maintenance of the field. This assessment should be completed as expeditiously as possible.

Bill Language. Language restricting the use of funds for the Mojave National Preserve in California has been deleted. This issue is dealt with in more detail in section 119 of this Act under the heading General Provisions, Department of the Interior.

CONSTRUCTION

The managers on the part of the House do not agree with the Senate position, expressed in a colloquy during Senate debate on H.R. 3019, with respect to the Natchez Trace Parkway.

UNTIED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

$730,163,000 is appropriated for Surveys, Investigations, and Research instead of $730,503,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $340,000 for headquarters administration.

The managers agree that, within the funds provided for natural resources research in the State of Florida, the Survey should maintain the same level of funding as was provided in fiscal year 1995 by the National Biological Service for manatee research as part of the Sirenia Project.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

$182,555,000 is appropriated for Royalty and Offshore Minerals Management instead of $182,994,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $439,000 for headquarters administration.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Bill Language. Language is included to permit the use of prior year unobligated balances for employee severance, relocation, and related expenses until September 30, 1996 instead of March 30, 1996 as proposed by the conference agreement on H.R. 1977.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

$56,912,000 is appropriated for Salaries and Expenses instead of $57,796,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $884,000 for headquarters administration in the departmental direction account. Because it is halfway through the fiscal year, the managers agree that maximum flexibility is permitted in allocating this reduction within that account.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

$34,427,000 is appropriated for Salaries and Expenses instead of $34,608,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $181,000 for headquarters administration.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Lanaguage is included in section 119 on the management of the Mojave National Preserve. The managers have agreed to remove the statutory restrictions on the National Park Service and the Bureau of Land Management which were included in the conference agreement on H.R. 1977. The Park Service, under this provision, is permitted to manage the Preserve but limited in its management practices to those ''historical management practices'' of the Bureau of Land Management until the Service has completed a conceptual management plan and received approval of that plan from the House and Senate Committees on Appropriations. The provision also limits operating funds to $1,100,000 unless approval for an additional amount is obtained from the House and Senate Committees on Appropriations. The managers agree that this provision will expire on September 30, 1996. The managers have also provided authority to the President to suspend the restrictions in section 119 if he determines that such a suspension is appropriate based on public interest in sound environmental management, sustainable resource use, protection of national or local interests or protection of cultural, biological or historic resources. Any such suspension must be reported to the Congress.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

$136,884,000 is appropriated for State and Private Forestry instead of $136,794,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $90,000 for collocation of the Oregon State office of the Bureau of Land Management with the Pacific northwest regional office of the Forest Service.

Bill Language. Earmarks $200,000 as proposed by the Senate, for a grant to the World Forestry Center for research on land exchange efforts in the Umpqua River Basin Region in Oregon.

NATIONAL FOREST SYSTEM

$1,257,057,000 is appropriated for the National Forest System instead of $1,256,253,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $804,000 for collocation of the Oregon State office of the Bureau of Land Management with the Pacific northwest regional office of the Forest Service.

Bill Language. The managers have not agreed to a specific dollar limitation on travel expenses within the National Forest System as proposed by the Senate.

CONSTRUCTION

$163,600,000 is appropriated for Construction instead of $163,500,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $100,000 for collocation of the Oregon State office of the Bureau of Land Management with the Pacific northwest regional office of the Forest Service.

Bill Language. Language has been included to permit the transfer of trail construction funds, appropriated in fiscal year 1995 for the construction of the Columbia Gorge Discovery Center, to the group titled the ''Non-Profit Citizens for the Columbia Gorge Discovery Center'', as proposed by the Senate.

LAND ACQUISITION

$39,400,000 is appropriated for Land Acquisition instead of $41,200,000 as proposed by the conference agreement on H.R. 1977, a reduction of $1,800,000 below the earlier agreement, including decreases of $1,700,000 for Federal land acquisition and $100,000 for acquisition management. The managers are very concerned that the Service has proceeded with specific land acquisitions this year without the approval of the House and Senate appropriations committees, and bill language has been included requiring the Service to obtain the approval of the committees before proceeding with any further land acquisitions in fiscal year 1996.

SOUTHEAST ALASKA ECONOMIC DISASTER FUND

$110,000,000 is appropriated for the Southeast Alaska Economic Disaster Fund. No funds were provided for this new account in the conference agreement on H.R. 1977. These funds are provided for grants to communities affected by the declining timber program on the Tongass National Forest. This issue is discussed in more detail in section 325 of Title III—General Provisions.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The Tongass National Forest provisions addressed under this heading in the conference agreement on H.R. 1977 have been moved to section 325 under Title III—General Provisions.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

$417,018,000 is appropriated for Fossil Energy Research and Development instead of $417,169,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $151,000 for headquarters administration.

The managers understand that the fiscal year 1997 budget will reflect the transfer of the health and safety research programs of the Bureau of Mines to the National Institute for Occupational Safety and Health (NIOSH) in the Department of Health and Human Services. The managers encouraged such a transfer in the fiscal year 1996 conference agreement on H.R. 1977 and see no reason to delay the transfer. The managers strongly encourage the Department of Energy to enter into an interagency agreement with NIOSH for the fiscal year 1996 funding. In determining the allocation of funds for the transferred functions, the managers expect the DOE and NIOSH to consider the concerns of all interested parties, including industry and labor. The managers also expect the agencies to recognize the importance of maintaining a health and safety research presence in the East and in the West.

ENERGY CONSERVATION

$553,189,000 is appropriated for Energy Conservation instead of $553,293,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $104,000 for headquarters administration.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Bill Language. The managers have not agreed to earmark funds for inhalant abuse treatment programs as proposed by the Senate. The managers understand that the Indian Health Service provides for both direct care and referrals for adolescents afflicted with inhalant abuse problems and encourage IHS to continue to refer patients, as appropriate, for treatment of such abuse. The managers are aware of the particular expertise of the Our Home Inhalant Abuse Center, and encourage IHS to continue to refer patients to this facility, as appropriate.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

$311,188,000 is appropriated for Salaries and Expenses instead of $308,188,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $3,000,000 for voluntary separation incentive payments and other costs associated with employee separations pursuant to the authority provided for employee ''buyouts'' in section 339 of this Act.

TITLE III—GENERAL PROVISIONS

Section 314. Deletes the language dealing with the Interior Columbia Basin Ecosystem Management Project proposed in the conference agreement on H.R. 1977 and replaces it with a limitation on the use of funds for implementing regulations or requirements to regulate non-Federal lands with respect to this project.

Section 325. Bill language is included providing for a one-year moratorium on establishment of a new Tongass Land Management Plan for the Tongass National Forest in southeast Alaska. The moratorium would be in effect for one year after the date of enactment of this Act rather than for two fiscal years as proposed by the conference

agreement on H.R. 1977. In amending or revising the current plan, the Secretary may establish habitat conservation areas, and impose any restriction or land use designations deemed appropriate, so long as the number of acres in the timber base and resulting allowable sale quantity is not less than the amounts identified in the preferred alternative (alternative P) in the October 1992 Tongass land and resource management plan. The Secretary may implement compatible standards and guidelines, as necessary, to protect habitat and preserve multiple uses of the Tongass National Forest.

The language has been augmented from the version included in H.R. 1977 to address the Administration's concerns about clearcutting. The provision makes it clear that nothing in this section shall be interpreted as mandating clearcutting or unsustainable timber harvesting. The language also makes it clear that any revision, amendment, or modification shall be based on research results obtained through the application of the scientific method and sound, verifiable scientific data. Data are sound, verifiable, and scientific only when they are collected and analyzed using the scientific method. The scientific method requires the statement of an hypothesis capable of proof or disproof; preparation of a study plan designed to collect accurate data to test the hypothesis; collection and analysis of the data in conformance with the study plan; and confirmation, modification, or denial of the hypothesis based upon peer-reviewed analysis of the collected data. The data used shall include information collected in the southeast Alaska ecosystem.

The section also includes language to allow certain timber sales, that have cleared the National Environmental Policy Act (NEPA) and the Alaska National Interest Lands Conservation Act (ANILCA) review processes, to be awarded if the Forest Service determines that additional analysis under NEPA and ANILCA is not necessary.

The managers have also provided authority to the President to suspend the provisions mentioned above with respect to the Tongass National Forest in Alaska if he determines that such a suspension is appropriate based on public interest in sound environmental management or protection of cultural, biological or historic resources. Any such suspension must be reported to the Congress. Language is included to clarify that if the suspension is exercised, the duration of the suspension would not exceed the period in which the provisions of the section would otherwise be in effect.

The managers are very concerned about the negative impacts on the southeastern Alaska economy of a declining Federal timber program on the Tongass National Forest. The managers are aware of concerns that proposed modifications to the Tongass Land Management Plan give insufficient attention to the economic ramifications of a reduced timber sales program, and urge the Administration to consider strongly the socioeconomic impacts of its proposed alternatives. In implementing this section, the Forest Service shall prepare a city-by-city socioeconomic analysis of the effect of reducing the suitable timber land base or timber sales levels on the communities of southeast Alaska and on the potential of restoring a timber economy in Wrangell and Sitka.

To address these job losses and economic impacts, a new southeast Alaska disaster assistance fund totaling $110 million has been established under the Forest Service. The funds are provided as direct grants to the affected communities to employ former timber workers and for community development projects, and as direct payments in proportion to the percentage of Tongass timber receipts realized by these communities in fiscal year 1995.

The grants are provided with broad authority for the community to pursue economic and infrastructure development projects that employ displaced timber workers. This fund is intended to be an interim measure until while uncertainties with the available timber supply are resolved and a timber economy revitalized. The managers encourage the affected communities to develop comprehensive plans for how they intend to spend these funds.

The managers strongly urge the Administration to comply with the requirement of the Tongass Timber Reform Act to meet ''market demand'' for timber sales on the Tongass. The President may nevertheless choose to suspend this section.

The managers agree that the availability of funds from this new disaster assistance fund is contingent upon the President executing the waiver authority. In the event legislation is enacted in the future that increases the timber sales program to meet market demand on the Tongass National Forest, it would be the expectation of the managers that these funds would be no longer available.

Travel. The managers have not agreed to place a statutory limit on the use of travel funds as proposed by the House. The managers expect each agency under the jurisdiction of the Interior and Related Agencies bill to monitor carefully travel expenses and to avoid non-essential travel.

Section 336. Inserts new language placing a moratorium on the issuance of a final rulemaking on jurisdiction, management and control over navigable waters in the State of Alaska with respect to subsistence fishing. The moratorium is for fiscal year 1996 rather than through May 15, 1997, as proposed by the Senate. The managers are concerned that recent court decisions place requirements on the Departments of the Interior and Agriculture to assume management authority in navigable waters and that such management could cost each agency several millions of dollars annually. In an era of declining budgets, this added burden would have an adverse impact on other important programs. The managers urge the State of Alaska and all parties involved to work toward developing a viable, long term solution to the subsistence problem. The solution should provide for State management of fish and wildlife in Alaska while protecting those who depend on subsistence resources.

Employee Details. The managers have not agreed to place a statutory limitation on the temporary detail of employees within the Department of the Interior as proposed by the House. The Department should continue to report quarterly on the use of employee details and should not use such personnel details to offset programmatic or administrative reductions.

Section 337. Directs the Department of the Interior to transfer to the Daughters of the American Colonists a plaque in the possession of the National Park Service. The Park Service currently has this plaque in storage and this provision provides for its return to the organization that originally placed the plaque on the Great Southern Hotel in Saint Louis, Missouri in 1933 to mark the site of Fort San Carlos.

Section 338. Inserts new language requiring that funds obligated for salaries and expenses of the Pennsylvania Avenue Development Corporation and for international forestry activities of the Forest Service be offset from other specified sources upon enactment of this Act.

Section 339. Provides one-time authority for the Smithsonian Institution to offer early retirement opportunities and retirement bonuses to employees through October 1, 1996.

Greens Creek Land Exchange. The managers have not agreed to bill language, proposed by the Senate in Title III, section 3015 of the Senate passed version of H.R. 3019, which would have incorporated the Greens Creek Land Exchange Act of 1996 into this Act. This legislation was signed into law (Public Law 104–123) on April 1, 1996.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

Agency Priorities. The managers have not agreed to statutory language, proposed by the Senate in section 1203 of Title II, chapter 12, which would have mandated the allocation of emergency supplemental funds based on agency prioritization processes. The managers understand that the initial estimates of emergency requirements that have been provided are based on very preliminary information and that those initial estimates, because of time constraints, may not have included every project which needs to be addressed. The managers expect each agency to develop on-the-ground estimates of all its natural disaster related needs and to address these needs consistent with agency priorities.

Contingent Appropriations. The availability of those portions of the appropriations detailed in this chapter that are in excess of the Administration's budget request for emergency supplemental appropriations are contingent upon receipt of a budget request that includes a Presidential designation of such amount as emergency requirements as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION AND ACCESS

An additional $5,000,000 in emergency supplemental appropriations for Construction and Access is made available as proposed by the Senate instead of $4,242,000 as proposed by the House. Of this amount, $758,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

An additional $35,000,000 in emergency supplemental appropriations for Oregon and California Grant Lands is made available as proposed by the Senate instead of $19,548,000 as proposed by the House. Of this amount, $15,452,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

An additional $1,600,000 in emergency supplemental appropriations for Resource Management is made available as proposed by the Senate instead of no funding as proposed by the House. The entire amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

An additional $37,300,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $20,505,000 as proposed by the House. Of this amount, $16,795,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the

Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The managers have neither agreed to bill language, proposed by the Senate, earmarking specific funds for Devils Lake, ND nor to report language earmarking funds for other locations. The Service should carefully consider the needs at Devils Lake, ND and at Kenai, AK as it allocates funds.

NATIONAL PARK SERVICE

CONSTRUCTION

An additional $47,000,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $33,601,000 as proposed by the House. Of this amount, $13,399,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

An additional $2,000,000 in emergency supplemental appropriations for Surveys, Investigations, and Research is made available as proposed by the Senate instead of $1,176,000 as proposed by the House. Of this amount, $824,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

An additional $500,000 in emergency supplemental appropriations for the Operation of Indian Programs is made available as proposed by the House and by the Senate.

CONSTRUCTION

An additional $16,500,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $9,428,000 as proposed by the House. Of this amount, $7,072,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

An additional $13,000,000 in emergency supplemental appropriations for Assistance to Territories is made available as proposed by the Senate instead of $2,000,000 as proposed by the House. Of this amount, $11,000,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

An additional $26,600,000 in emergency supplemental appropriations for the National Forest System is made available as proposed by the Senate instead of $20,000,000 as proposed by the House. Of this amount $6,600,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The managers have not agreed to bill language, proposed by the Senate, earmarking specific funds for the Amalgamated Mill site in the Willamette National Forest, OR. The Service should carefully consider the needs at this site as it allocates funds.

CONSTRUCTION

An additional $60,800,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $60,000,000 as proposed by the House. Of this amount, $20,800,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

Section 101(d) of H.R. 3019 provides appropriations for programs, projects and activities in the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 1996. In implementing this agreement, the departments and agencies should comply with the language and instructions set forth in House report 104–209 and Senate reports 104–145 and 104–236. In those cases where this language and instruction specifically addresses the allocation of funds which parallels the funding levels specified in the Congressional budget justifications accompanying the fiscal year 1996 budget or the underlying authorizing statute, the conferees concur with those recommendations. With respect to the provisions in the above House and Senate reports that specifically allocate funds that are not allocated by formula in the underlying statute or identified in the budget justifications, the conferees have reviewed each and have included those in which they concur in this joint statement.

None of the appropriations provided herein are contingent upon any subsequent actions by the Congress or the President.

The Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, Fiscal Year 1996, put in place by this bill, incorporates the following agreements of the managers:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement includes $4,146,278,000, instead of $3,108,978,000 as proposed by the House and $4,322,278,000 as proposed by the Senate. The agreement includes $625,000,000 for the summer youth employment program, instead of $635,000,000 as proposed by the Senate and no funding as proposed by the House.

The conference recognizes that in many high unemployment and high poverty areas, the number of low-income youth seeking summer employment far exceeds the number of job opportunities. The conference also recognizes, however, that the current federally-funded summer jobs program has not lived up to its potential for providing meaningful work experience and teaching solid job skills to such youth. The conference is also aware that the relevant authorizing committees are developing job training reform legislation to consolidate over 90 separate programs and to block grant funds and authority to States and localities. The conference, therefore, considers funds for the fiscal year 1996 summer jobs program to be transition funding—in future years to be folded into the new consolidated block grants for at-risk youth. Governors and localities will have considerable flexibility to use these funds in subsequent years to develop meaningful programs for at-risk youth that teach youngsters job skills in demand and sound work habits; that are closely linked to the needs of employers; and that offer integrated work and academic learning opportunities to youth who demonstrate a willingness to learn and responsible behavior.

The agreement includes an amount of $2,500,000 for the fiscal year 1996 Paralympic Games, instead of $5,000,000 as proposed in the House and Senate bills. These funds will be used by the organizer of the games for the following activities prior to, during, and immediately following the games: (1) training and employment costs of volunteers working in the games; (2) training and staff costs for the days of the games; (3) training and travel for officials of the games. The grantee shall provide such information as shall be required by the Department of Labor, including a detailed statement of work and budget, and financial reports providing a breakout of the costs of the activities performed under the grant. The conferees have also provided funding for the Paralympic Games in the Department of Education and in the Social Security Administration.

The agreement includes language to permit service delivery areas to transfer funds between titles II–B and II–C of the Job Training Partnership Act, with the approval of the Governor of the State. The House and Senate bills only permitted the transfer to take place from title II–C to title II–B. In addition, the agreement permits the transfer of funds between title II–A and title III of the Act as proposed by the Senate, instead of permitting the transfer of funds between all title II programs and title III as proposed by the House.

It is the intent of the conferees that in committing National Reserve account funds appropriated under title III of the Job Training Partnership Act, the Secretary of Labor encourage Governors to contract, where possible, with the private sector for the provision of outplacement services to Federal employees seeking employment in the private sector.

The conferees have included funds to continue the National Occupational Information Coordinating Committee (NOICC) and its affiliated State committees during the anticipated transition to a new administrative structure proposed in pending authorizing legislation and urge that the Departments of Labor and Education rely on NOICC advice and personnel during this transition.

The conference agreement for the Job Training Partnership Act pilots and demonstrations maintains the current level for the Microenterprise Grants program and the American Samoan employment and training program, and includes the level recommended in the Senate report accompanying H.R. 2127 for an industrial employment program for the disabled.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The conference agreement includes $373,000,000, instead of $350,000,000 as proposed by both the House and the Senate. The agreement earmarks 22 percent of the funds for the States and 78 percent for national contractors as proposed by the Senate, instead of 35 percent for the States and 65 percent for the contractors as proposed by the House.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement includes $110,000,000 for the one-stop career centers program as proposed by the Senate, instead of $92,000,000 as proposed by the House.

PAYMENTS TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

(RESCISSION)

The conference agreement rescinds $266,000,000 from this account as proposed by the Senate, instead of $250,000,000 as proposed by the House.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $266,644,000, instead of $255,734,000 as proposed by the House and the Senate.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $304,984,000, instead of $280,000,000 as proposed by the House and $288,985,000 as proposed by the Senate.

It is the intent of the conferees that the Occupational Safety and Health Administration give high priority to effective voluntary cooperative efforts such as the Voluntary Protection Program.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes $141,350,000, instead of $136,300,000 as proposed by the House and $140,380,000 as proposed by the Senate. Additional funding is provided to avoid lengthy staff furloughs in the Benefits Review Board.

The conferees have provided $8,900,000 for the Bureau of International Labor Affairs. This amount includes full funding for activities to combat international child labor problems as outlined in the Senate report on H.R. 2127.

The conferees understand that there is some question concerning the funding level for ILAB needed to avoid personnel furloughs. The conferees reiterate that they have provided transfer authority to the Secretary to deal with such exigencies and encourage him to propose reprogramming of funds if necessary to avoid furloughs.

In addition, the agreement includes language proposed by the Senate to restrict certain activities of the Office of the Solicitor and the Benefits Review Board with respect to cases under the Longshore and Harbor Workers' Compensation Act. The language provides that if the Board, prior to September 12, 1996, fails to act on any Longshore decision that has been appealed to it and has been pending before it for more than 12 months, the decision shall be considered affirmed by the Board on that date and shall be considered the final order of the Board for purposes of obtaining a review in the U.S. Courts of Appeal. Further, beginning on September 13, 1996, the Board shall decide all appeals under the Longshore Act not later than one year after the appeal was filed; if the Board fails to do so, then the decision shall be considered the final order of the Board for purposes of obtaining a review in the U.S. Courts of Appeal. The petitioner has the option to continue the proceeding before the Board for a period of 60 days; if no decision is made during that time, the decision shall be considered the final order of the Board for purposes of obtaining a review in the U.S. Courts of Appeals. The House bill had no similar provision. The language is not applicable to the review of any decisions under the Black Lung Benefits Act.

The conferees intend that, to the extent possible, funding for technical assistance and training for local displaced homemaker programs should not be reduced by more than the overall percentage reduction for the Women's Bureau.

The conferees support the ongoing efforts to rid the International Brotherhood of Teamsters of organized crime influence pursuant to the consent decree. Consistent with direction provided in both the House and Senate committee reports on the fiscal year 1996 appropriations bill, the conferees provide that up to $5,600,000 of the amounts available for obligation to the Department of Labor during fiscal year 1996 may be allocated for this purpose, subject to normal reprogramming requirements of the committees.

The conferees have agreed to include a fund transfer provision (section 103) to give the Department more flexibility in managing its appropriations. However, the continuation of this provision in the future will depend on the Department's achieving and maintaining audited financial statements in accordance with the Chief Financial Officers Act of 1990 and Office of Management and Budget Bulletin No. 93–06.

GENERAL PROVISIONS

The conference agreement includes a general provision proposed by the House modified to set aside section 427(c) of the Job Training Partnership Act in cases where a Job Corps center does not meet national performance standards established by the Secretary. The Senate bill had no similar provision. Section 427(c) prohibits the Department of Labor from contracting with a private contractor to operate a Job Corps civilian conservation center.

The conference agreement includes a general provision as proposed by the Senate modified to prohibit the Occupational Safety and Health Administration and the State programs that operate with Federal funds from promulgating or issuing any proposed or final standard or guideline with respect to ergonomic protection but permits the agency to conduct any peer-reviewed risk assessment activity regarding ergonomics. The House bill would have also prohibited the development of any standard or guideline and the recording and reporting of any occupational injuries and illnesses related to ergonomic protection.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement appropriates $3,077,857,000 instead of $3,052,752,000 as proposed by the House and $2,954,864,000 in regular funding and $55,256,000 in contingency funding as proposed by the Senate.

The conference agreement includes the legal citation for the Native Hawaiian Health Care program as proposed by the Senate. The House bill did not include the citation. The conferees have increased funding for the consolidated health centers line so that health care activities funded under the Native Hawaiian Health Care program can be supported under the broader health centers line if the agency feels it is appropriate.

The conference agreement includes an additional $62,700,000 over fiscal year 1995 for title II of the Ryan White AIDS CARE Act for a total funding level of $260,847,000. The House bill included an increase of $52,000,000 over the fiscal year 1995 level. The Senate amendment provided the additional $52,000,000 but as part of its contingent funding section. The conference agreement incorporates bill language in the Senate amendment that would make clear that the $52,000,000 is to be used for the AIDS drug assistance portion of title II and distributed according to the current formula. The conference agreement also identifies in bill language the amounts appropriated for titles I and II of the Ryan White AIDS CARE Act as provided in the House bill.

The conference agreement does not include $3,256,000 in contingency funding for the National Health Service Corps (NHSC) as proposed by the Senate. The conference agreement provides $115,745,000 in non-contingent funding. The House bill did not include contingent funding for NHSC.

The conference agreement includes language as proposed by the House limiting new cities entering the title I Ryan White program to those permitted in the pending reauthorization bill. The Senate amendment had no similar provision.

The conference agreement includes language holding the formula grant funding for current title I grantees under the Ryan White AIDS CARE Act to no less than 99 percent of their fiscal year 1995 funding level by reallocating supplemental grant funds. The Senate amendment included a hold harmless provision assuring 100 percent of the fiscal year 1995 funding level in fiscal year 1996 for current title I grantees. The House bill had no comparable provision.

The conference agreement deletes language proposed in the Senate amendment and last year's bill identifying funding for Area Health Education Centers and overriding set-asides in the authorizing statute pertaining to the types of centers that may be funded. The house bill had no comparable provision. The conferees understand that this language is no longer necessary.

The conference agreement modifies a technical legal citation contained in both the House bill and Senate amendment pertaining to the Federal Tort Claims Act.

The conferees intend that the agency may use up to $3,000,000 of the funding provided for the National Health Service Corps for State offices of rural health.

The conferees strongly believe that the family planning program should be formally administered, as well as funded, in the Health Resources and Services Administration as a separate program within the Office of the Administrator, but have chosen to leave the decision regarding administration to the Secretary and have not mandated the transfer.

The conferees include $20,000,000 for health care facilities grants, of which $10,000,000 is designated for the facility requested in the President's fiscal year 1996 budget, and $10,000,000 is designated for items identified in the Senate report accompanying the amendment to H.R. 3019 pertaining to oral health care and health care for disadvantaged women. Also included as part of this second $10,000,000 is funding to improve rural health care access.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Full year funding for the Centers for Disease Control and Prevention (CDC) was provided in P.L. 104–91, the continuing resolution enacted January 6, 1996.

The conference agreement includes language as proposed by the House rescinding obligated, but unexpended, balances from grants to States in fiscal years 1993, 1994, and 1995 for immunization activities. The agreement includes language as proposed by the House providing authority to transfer funds available from the sale of surplus vaccine from the vaccine stockpile to other activities within the jurisdiction of the agency, with prompt notification of Congress of any transfer. These two provisions were included in nearly identical form in sections 209 and 211 of the Senate amendment. The conference agreement incorporates one technical citation change on the second provision contained in the Senate amendment.

The conferees are agreed that funding for the research and training activities of the National Institute for Occupational Safety and Health has been provided on a consolidated basis as proposed by the Senate. The table printed in the CONGRESSIONAL RECORD accompanying H.R. 3019 as passed by the House had allocated funds separately for research and training activities.

The conferees are supportive of CDC proceeding with a school-based immunization

demonstration program to carry forward the recommendations of the Advisory Committee on Immunization Practices for early adolescents, to the extent this is possible using available funds, including section 317 carryover funds.

The conferees are aware of the benefits of community health promotion programs that control the spread of infectious diseases, reduce chronic disease, and lower risk factors and encourage the Director to support activities to evaluate innovative health information dissemination programs for the development of models for public outreach and professional development.

The conferees intend that as CDC applies the $31,000,000 administrative reduction that was included in P.L. 104–91 providing full year funding for the agency that equipment expenditures be included in the definition of administrative expenses.

The conferees confirm their understanding that the National Immunization Survey will be continued in fiscal year 1996.

NATIONAL INSTITUTES OF HEALTH

The National Institutes of Health (NIH) were funded for the full year in P.L. 104–91, the continuing resolution enacted January 6, 1996.

The conferees have specifically endorsed the following initiatives mentioned in the Senate report:

(a) The neurodegenerative disorders initiative within the Office of the Director;

(b) The Office of Rare Disease Research program;

(c) The Institutional Development Award Program (IDeA) grant program; and

(d) The Office of Dietary Supplements program.

Of the $20,000,000 provided within the National Center for Research Resources for extramural facility construction, the conferees intend that $2,500,000 be reserved for construction and renovation projects at qualified regional primate centers.

The conferees are very supportive of the efforts of the National Institute on Aging to enhance research on Alzheimer's disease and urge the Institute to consider it a top priority. The conferees understand that promising research opportunities in the neuroscience of Alzheimer's disease exist, including research on the formation and maintenance of synapses, the mechanisms of beta-amyloid formation, and the biochemical action mechanisms of drugs used in the treatment of Alzheimer's disease. The Institute is strongly encouraged to focus additional attention on these promising areas, including consideration of expanding the number of Alzheimer's Disease research centers.

The conferees are supportive of expanding alternative resources to the use of animals, particularly through ensuring regular access to human tissues and organs. The conferees recommend that the Director of NIH give consideration to establishing a multi-Institute initiative to support an expanded human tissue resource and ensure that the needs of the scientific community can be served.

The conferees are agreed that sufficient funds have been provided within the Office of the Director to provide core support for the National Bioethics Advisory Commission.

The conferees intend NIH to hold administrative costs within the research management and support category to 7.5 percent below fiscal year 1995 levels (with an additional 2.5 percent reduction to congressional and public affairs functions) as indicated in the House report on H.R. 2127. However, the conferees do not intend that public education programs that are placed within the research management and support budget of some Institutes be considered part of the cost pool to be reduced.

The conferees request NIH to expeditiously complete review of its intramural primate facilities and promptly begin the surplusing of those facilities NIH deems to be excess property.

Public Law 104–91, which provided full year funding for the National Institutes of Health, includes $26,598,000 for the Office of AIDS Research (OAR), including $10,000,000 for the Director's emergency discretionary fund authorized by section 2356 of the Public Health Service Act. Funding for AIDS research for fiscal year 1996 was provided in the manner set forth in H.R. 2127 as passed by the House, which provided appropriations to each Institute including funding for AIDS. The bill as reported in the Senate had appropriated funds for AIDS research to the Office of AIDS Research, as had been done in fiscal year 1995. The conferees are agreed that the fiscal year 1996 funding structure for AIDS research activities of the NIH is not a precedent for the allocation of AIDS research funding for fiscal year 1997. The conferees continue to strongly support the critical work of the Director of the OAR to coordinate the scientific, budgetary, legislative, and policy elements of the NIH AIDS research program and agree that the funding structure for AIDS research in fiscal year 1996 should not diminish this important responsibility. The conferees note that section 212, providing 3 percent transfer authority within the total identified by the NIH for AIDS research, enhances the Director's authority to ensure that AIDS research supported by the NIH is carried out in accordance with the AIDS research plan.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

The conference report provides $1,883,715,000 for the Substance Abuse and Mental Health Services Administration, of which $275,420,000 is provided for the mental health block grant, and $1,234,107,000 is provided for the substance abuse block grant. The agreement also funds consolidated substance abuse treatment and substance abuse prevention demonstration programs at $90,000,000 each. The House bill included $1,883,715,000 and the Senate bill included $1,800,469,000.

The conferees understand that SAMHSA has undertaken an agency reorganization to streamline administrative functions. In addition, the agency will begin implementation of new knowledge development and application (KDA) grants in fiscal year 1996. The conferees continue to encourage SAMHSA to focus on evaluation and reporting of outcomes for activities funded under the block grants, demonstrations and KDAs. The conferees understand that KDA grants will generally fund applied research and evaluation, not services. The agreement specifically directs that any KDA grant include a plan to measure and publicly report outcomes relating to the grantee's stated goals and, where relevant, the incidence of substance abuse among individuals studied. The conferees strongly encourage SAMHSA to aggressively and effectively disseminate the results of KDA grants and to integrate these results into services funded in whole or in part by the Federal block grants as well as non-federally funded substance abuse and mental health services. In determining the allocation of funding to existing substance abuse demonstration projects, the conferees encourage the agency to give full consideration to those projects which impact pregnant women and children.

The conferees recommend that in awarding KDA grants to eligible grantees the Secretary give priority to the development of knowledge and specific interventions that improve the quality and access to services in areas where there is a high incidence of substance abuse and mental illness coupled with other contributing conditions such as high rates of co-morbidities, particularly HIV infection, long waiting lists for treatment, or homelessness.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

The conference agreement provides a total funding level of $125,310,000 as proposed by the House instead of $128,470,000 as proposed by the Senate. Of this amount, $65,186,000 is provided in Federal funds and $60,124,000 is provided through one percent evaluation funding. The House bill provided $94,186,000 in Federal funds and $31,124,000 in one percent funding, while the Senate amendment provided $65,390,000 in Federal funds and $63,080,000 in one percent evaluation funding.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

The conference agreement makes available $1,734,810,000 as proposed by the House instead of $2,111,406,000 as proposed by the Senate and provides an additional $396,000,000 within title VI of the bill for payment safeguard activities, providing total program management funding of $2,130,810,000. The Senate amendment had no comparable title VI provision. The funding in title VI would be canceled if there is a subsequent appropriation enacted for Medicare contractors in an authorizing bill.

The conferees strongly encourage Medicare contractors to promptly purchase and utilize commercially available automated data processing systems designed to detect abusive Medicare billings.

The conferees encourage the Health Care Financing Administration to conduct a demonstration program to evaluate whether cardiac case management of patients suffering from congestive heart failure would increase the quality of care delivered and patient satisfaction, as well as deliver such care in a more cost effective manner than current practice.

The conferees specifically endorse the following:

(a) No funds may be used for implementation of the Medicare/Medicaid data bank as mentioned in the House report;

(b) HCFA is encouraged to give full and fair consideration to a proposal to develop a comprehensive health care information management system that would link patient care data across the full range of health care as mentioned in the Senate report.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

(INCLUDING RESCISSION)

The conference agreement provides a rescission of $100,000,000 in previously appropriated 1996 funding as recommended in the House and Senate bills. Total fiscal year 1996 funding for the Low Income Home Energy Assistance Program (LIHEAP) is $900,000,000. The conferees intend that up to $22,500,000 of the amounts provided for LIHEAP for fiscal year 1996 be used for the leveraging incentive fund. The conference agreement provides $300,000,000 for the contingency fund for fiscal year 1997, instead of providing that amount for fiscal year 1996 as proposed by the Senate. The agreement also extends the availability for another year of any funds remaining unobligated in the contingency fund at the end of fiscal year 1996. Finally, the agreement does not provide advance fiscal year 1997 funding for the LIHEAP program, the same as the House bill and $1,000,000,000 less than the Senate bill. Funding for FY 1997 will be considered as part of the regular fiscal year 1997 appropriations bill.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement provides $402,172,000 for Refugee and Entrant Assistance programs, instead of $397,872,000 as proposed in both the House and Senate bills. The agreement includes $55,397,000 for the Targeted Assistance program, an increase of $4,300,000 above the amount provided in the House and Senate bills and the same amount provided in fiscal year 1995. The conferees expect that domestic health assessment activities within the preventive health program will be administered in accordance with the decisions of the Secretary of Health & Human Services and direct the Department to notify the Appropriations Committee of such decisions in a timely manner. The conferees agree to the allocation of targeted assistance contained in the House Report 104–209.

SOCIAL SERVICES BLOCK GRANT

The conference agreement provides a mandatory appropriation for the Social Services Block Grant of $2,381,000,000. The House bill provided $2,520,000,000, and the Senate bill provided $2,310,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAM

The conference agreement includes $4,788,364,000, instead of $4,715,580,000 as proposed by the House and $4,743,604,000 as proposed by the Senate.

The conferees agree with language in Senate report 104–145 which would allocate $1,500,000 under the developmental disabilities program for the fifth year of a 5-year demonstration project known as transition and natural supports in the workplace.

It has come to the attention of the conferees that eligible Community Development Corporations serving remote rural areas have encountered difficulty in meeting some of the criteria for competing for Community Economic Development (CED) grants. The conferees strongly urge the Office of Community Services to adjust the criteria used in evaluating applications to take into account the unique aspects of job creation in remote rural areas, particularly as they relate to cost per job requirements.

With respect to Head Start, the conference agreement does not include $250,000 proposed in Senate report 104–145 to continue a demonstration program to train head Start teachers in scientific principles. No funds were included for the program in the House bill.

With respect to the transitional living program for runaway and homeless youth, the conferees are agreed that the increase provided over the fiscal year 1995 amount shall be for nine grantees whose grants expired in September, 1995 and who were unable to compete for fiscal year 1996 grants because of a departmental administrative oversight.

The conference agreement includes an earmark of $435,463,000 for the Community Services Block Grant Act as proposed by the Senate. The House had earmarked the same amount in a different manner.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement includes $829,393,000, instead of $801,232,000 as proposed by the House and $831,027,000 as proposed by the Senate.

The agreement eliminates as separate line items the ombudsman program and the prevention of elder abuse program. Funds for these programs are earmarked in the bill within the supportive services and centers line time and the fiscal year 1995 level.

The agreement includes a legislative provision as proposed by the Senate that would prevent any State from having its administrative costs under title III of the Older Americans Act reduced by more than five percent below the fiscal year 1995 level. The House had no similar provision.

The conference agreement includes three specific funding levels identified in Senate report 104–145 with respect to the aging research program.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes $146,127,000, instead of $143,127,000 as proposed by the House and $137,127,000 as proposed by the Senate.

The conferees have included an additional $2,000,000 for the Office of the Secretary of the Department of Health and Human Services. The conferees intend that none of these additional funds shall be available to the Office of Intergovernmental Affairs, the immediate office of the Assistant Secretary for Health, the Office of the Assistant Secretary for Legislation or the Office of the Assistant Secretary for Public Affairs. The Secretary is requested to notify the Appropriations Committees of any employees detailed into these offices. The conferees commend the Secretary for the recent reorganization of her office and her decision to replace the Office of the Assistant Secretary for Health with a smaller office which would serve as the senior advisor for health policy. The conferees direct that the Secretary provide the Appropriations Committees with the estimated funding levels and FTE levels for each of the individual offices for fiscal year 1996 funded from this account as soon as possible after enactment of this bill.

The conferees are agreed that funds are to be made available to the Office of Women's Health from funds available to the Department to carry out development and implementation of the national women's health clearinghouse.

Sufficient funds have been included by the conferees for the continuation of the existing human services transportation technical assistance program at the fiscal year 1995 funding level.

The agreement does not include a legal citation for the National Vaccine program as proposed by the Senate. The House bill included no citation. No funding is provided within this account for this program.

The agreement includes a House provision identifying $7,500,000 for extramural construction within the Office of Minority Health. The Senate bill did not include this provision.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes total funding for the Office of Inspector General of $79,162,000 as proposed by the Senate instead of $73,956,000 as proposed by the House. Of the total amount, $43,000,000 is provided in title VI of the Labor-HHS-Education Appropriations Act as proposed by the House, and the balance of the funds are provided in this account.

The agreement includes language proposed by the Senate, not included by the House, which would allow the Inspector General to expend funds transferred to it by the Departments of Justice or Treasury or the Postal Service as a result of asset forfeitures. The forfeitures would be from investigations in which the IG participated.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes $9,000,000 for the Emergency Fund as proposed by the Senate. The House bill included no provision for this.

With respect to the $2,000,000 identified for the implementation of clinical trails related to the early detection of breast cancer, the conferees are agreed that those departmental agencies and institutes with substantial experience and expertise in these matters must be directly involved in the administration of this effort.

GENERAL PROVISIONS

The conference agreement includes a limitation in the House bill which prohibits the use of funds for a statutory set-aside earmarking the first $5,000,000 of any funds appropriated for NIH extramural facility construction for primate centers. Instead, the conferees have reserved $2,500,000 of the NIH funds provided for extramural construction for primate centers. The Senate amendment had no similar provision.

The conference agreement includes a provision limiting the amount of one percent evaluation set-aside funding that can be tapped from the Public Health Service agencies to amounts identified in the conference report prior to a report to Congress. The agreement also includes language prohibiting other taps and assessments unless reported to Congress. The House bill and the Senate amendment had similar language for the first provision; the House bill included languages similar to the second provision.

The conference agreement includes a general provision as proposed by the House that prohibits the funding of the Federal Council on Aging and the Advisory Board on Child Abuse and Neglect. The Senate had no similar provision.

The conference agreement deletes language included in the Senate amendment pertaining to a rescission of Centers for Disease Control and Prevention (CDC) funding and a reallocation of funds in the agency's vaccine stockpile surplus. These provisions were included under a CDC heading in the House bill, which is reflected in the conference agreement.

(TRANSFER OF FUNDS)

The conference agreement includes a general provisions as proposed by the House that would authorize the Department of Health and Human Services to transfer up to one percent of funds in any appropriation account to any other account in the Department, provided that the receiving account is not increased by more than three percent thereby and that the Appropriations Committees are notified at least 15 days in advance of any transfer. The Senate had no similar provision.

The conferees have agreed to include this transfer provision to give the Department more flexibility in managing its appropriations. However, the continuation of this provision in the future will depend on the Department's achieving and maintaining audited financial statements in accordance with the Chief Financial Officers Act of 1990 and Office of Management and Budget Bulletin No. 93–06.

(TRANSFER OF FUNDS)

The conferencd agreement includes language permitting the Director of the National Institutes of Health jointly with the Director of the Office of AIDS Research to transfer up to 3 percent among the Institutes, Centers, and the National Library of Medicine from the total identified in their apportionment for AIDS research. The transfer must take place within 30 days of enactment of the Act and Congress is to be promptly notified. The House bill and the Senate amendment had similar provisions.

The conference agreement includes a provision in the House bill permitting the National Library of Medicine at the National Institutes of Health to enter into personal services contracts. The Senate amendment had no similar provision.

The conference agreement deletes without prejudice a general provision proposed by the Senate that would deem an AFDC waiver

submitted by the State of Texas under section 1115 of the Social Security Act approved upon the date of enactment of this Act, notwithstanding the Secretary's authority to approve the application. The House had no similar provision.

The conference agreement includes a provision in the Senate amendment requiring the Secretary of Health and Human Services to reimburse Medicaid claims for State-operated psychiatric hospitals between December 31, 1993 and December 31, 1995 that the Secretary would otherwise intend to defer for reimbursement. The provision caps the total amount of claims that could be reimbursed at $54,000,000. The conferees added a provision establishing a new Medicaid matching formula for a State highly affected by disproportionate share hospital payments, effective for State fiscal years 1996–97 and 1997–1997. The house bill had no similar provisions.

The conferees are aware of a number of outstanding Medicaid issues which could not be addressed in this bill. Of particular concern is the 100 percent cap on funding for public hospitals as well as the dilemma faced by several States that have included a modified Federal matching payment in their fiscal year 1997 budgets, reflecting the effort made by the Congress in Medicaid Reform to address the current inequity faced by States with rates between 40 and 50 percent. The conferees understand the difficulties that may State Medicaid programs are experiencing, and urge that these important matters be addressed expeditiously by the authorizing committees.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

The conference agreement includes $530,000,000 for Education Reform programs. Included in this amount is $350,000,000 for the Goals 2000: Educate America Act and language, proposed by the House, which prohibits the use of funds for Goals 2000 national programs. Also included is $180,000,000 for school-to-work programs. The House bill provided $484,500,000 for Education Reform activities, including a contingent appropriation of $389,500,000. The Senate amendment provided $536,000,000 and included $151,000,000 in fiscal year 1997 funding.

The conference agreement amends the Goals 2000: Educate America Act. Specifically, the agreement includes language in title VII of the bill which:

Permits school districts, in States that elect not to participate in the Goals 2000 program, to apply directly to the Secretary of Education for Goals 2000 funding, if the State education agency approves;

Eliminates the requirement that States submit their improvement plans to the Secretary of Education for approval;

Deletes the requirement for the composition of State and local panels that develop State and local improvement plans;

Eliminates the National Education Standards and Improvement Council;

Removes the requirement for States to develop opportunity-to-learn standards;

Clarifies that no State, local education agency, or school shall be required, as a condition of receiving assistance under this title to provide outcomes-based education, or school-based health clinics; and

Clarifies that nothing in the Goals 2000 legislation will require or permit any State or Federal official to inspect a home, judge how parents raise their children, or remove children from their parents.

The conferees agree that a State education agency must give approval in order for a local educational agency to apply to the Secretary of Education for funding. A State educational agency is permitted to make a blanket approval or disapproval regarding the participation of local education agencies.

Regarding the provision on alternatives to secretarial approval of State plans, the conferees agree that submission of such report and notification of amendments to previous State plans meets the requirements of section 306.

The conferees agree that local education agencies, as part of their school improvement plan, can use their Goals 2000 funds for the acquisition of computer technology and the use of technology-enhanced curricula and instruction. The Department of Education is encouraged to advise States that their Goals 2000 funds may be used for this purpose.

The conference agreement includes a provision, proposed by the Senate, which authorizes the Secretary of Education to grant up to six additional State education agencies authority to waive Federal statutory or regulatory requirements for fiscal year 1996 and succeeding fiscal years. The House bill contained no similar provision.

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $7,228,116,000 for Education for the Disadvantaged of which $1,298,386,000 becomes available on October 1, 1996 for academic year 1996–97. The House provided an appropriation of $6,049,113,000 for this activity and a contingent appropriation of $961,000,000 for a total funding level of $7,010,113,000. The Senate amendment provided a fiscal year 1996 appropriation of $6,513,511,000 and a fiscal year 1997 appropriation of $814,489,000 for a total funding level of $7,328,000,000. With respect to the fiscal year 1997 funding, it is the intent of the conferees to provide all funding for title I for the 1997–98 school year through the appropriation of fiscal year 1997 funds in the fiscal year 1997 Labor, Health and Human Services, and Education and Related Agencies bill. The conferees intend that the committee work to adjust the fiscal year 1997 602(b) allocations such that title I can be returned to a normal appropriations and obligation pattern.

The conference agreement provides that up to $3,500,000 of title I funds be made available to the Secretary to obtain local-education-agency level census poverty data from the Bureau of the Census.

The agreement does not include provisions, included in the House bill, which would have overridden the provisions of title I regarding minimum State grants and language which would have eliminated a State option to reserve a portion of their title I funds for school improvement activities.

IMPACT AID

The conference agreement provides $693,000,000 for the Impact Aid program, the same as the House bill and an increase of $1,841,000 over the Senate amount of $691.159,000. In combination with the $35,000,000 provided for Impact Aid in P.L. 104–61, this appropriation provides a total of $728,000,000 for Impact Aid in fiscal year 1996, the same amount provided by Congress in fiscal year 1995.

Within the total provided, the conference agreement includes $581,707,000 for Basic Support Payments, $1,304,000 less than the House bill amount of $583,011,000 and $537,000 above the Senate bill level of $581,170,000. The agreement also includes $16,293,000 for Payments for Federal Property, an increase of $1,304,000 over both the House and Senate bill amounts of $14,989,000.

The conference agreement modifies a provision proposed by the Senate (Section 306) regarding unobligated Impact Aid construction funds. The agreement provides that one-half of such unobligated funds shall be awarded for the construction of public elementary or secondary schools on Indian reservations, and that one-half of such funds shall be made available to school districts with military impact according to section 8007 of the Elementary and Secondary Education Act as amended.

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes $1,223,708,000 for School Improvement programs. The House bill provided $946,227,000 for programs in this account. The Senate provided $1,156,987,000 including $208,000,000 in fiscal year 1997 appropriations.

The conferees specifically provide for the following activity included in the Senate report:

The funds provided for the Education of Native Hawaiians are allocated as follows:

Curricula Development, Teacher Training and Recruitment	$1,500,000
Community-Based Education Learning Centers	800,000
Hawaiian Higher Education Programs	1,400,000
Gifted and Talented Program	1,200,000
Special Education Programs	1,200,000
Native Hawaiian Education Council and Island Councils	300,000
Family-Based Education Centers	5,600,000

The agreement provides $465,981,000 for Safe and Drug Free Schools and Communities instead of the $400,000,000 provided by both the House and Senate bills. This funding level, the same as in fiscal year 1995, provides for $440,981,000 for State Grants and $25,000,000 for National Programs.

BILINGUAL AND IMMIGRANT EDUCATION

The conference agreement provides $178,000,000 for Bilingual and Immigrant Education instead of the $150,000,000 provided in the House and Senate bills.

The conferees provided no funding for support services or professional development activities given their belief that funds should be focused on the education of students and the other funding sources available to the Secretary to fund these activities. However, if the Secretary feels that funding these activities within this account is justified, the two Committees will consider a reprogramming request for the Department.

SPECIAL EDUCATION

The conference agreement includes $3,245,447,000 for special education programs, the same amount recommended by both the House and Senate bills.

The conferees have also modified a provision proposed by the Senate to enable the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau to be eligible to receive both formula and discretionary grants. The agreement also includes language proposed by the Senate that permits the Department of Education to distribute funding to the federal center and regional centers in proportion to the funding levels made available in the previous fiscal year.

The conferees agree that Centers for the Deaf under Post Secondary Education programs should be awarded on a competitive basis instead of continuing the four existing centers as proposed in the Senate report.

REHABILITATION SERVICES AND DISABILITY RESEARCH

The conference agreement includes $2,456,120,000 for Rehabilitation Services and Disability Research instead of the $2,452,620,000 proposed in both the House and Senate bills.

The conference agreement includes $7,000,000 to support the Department of Education's portion of the fiscal year 1996 Paralympic Games through funding the Atlanta Paralympic Organizing Committee. The house bill included $4,500,000 while the Senate bill contained no similar provision. The grantee shall provide such information as shall be required by the Department of Education, including a detailed statement of work and budget, and financial reports providing a breakout of the costs of the activities performed under the grant. The conferees have also provided funding for the Paralympic Games in the Department of Labor and in the Social Security Administration.

The conferees increased funding for this account by $1,000,000 and direct the Department to use these funds to enable the two active regional head injury centers first funded in 1992 to continue serving as national resources to assist the States in improving the quality and cost effectiveness of services for victims of traumatic grain injury. The conferees direct the Rehabilitation Services Administration to work with the staffs of these regional centers to further develop plans of operation, including appropriate methods of organizing and coordinating State, private provider and victim support resources to improve the quality of traumatic brain injury services and for disseminating this information on a national basis. The centers are to work with the Department to present to the committees, by September 30, 1996, an evaluation plan of the present and planned services of the Centers and, upon approval, to implement the plan. In addition, the Department is instructed to work with the centers to develop a funding strategy that will eliminate the need for further federal funding for this national demonstration activity and to report to the Committees with such a plan by September 30, 1996.

VOCATIONAL AND ADULT EDUCATION

The conference agreement provides $1,340,261,000 for Vocational and Adult Education. The House bill provided $1,257,134,000 while the Senate bill included $1,340,638,000. The conference agreement eliminates the requirement for the establishment of State vocational education councils as a condition of receiving funding under the Carl D. Perkins Vocational and Applied Technology Education Act.

While the conferees have eliminated funding for State councils, the conferees have no objection to States using a portion of their Vocational Education funds for State councils or human resource investment councils.

The conference agreement includes $4,723,000 for prisoner literacy programs, instead of $5,100,000 as proposed by the Senate. The House bill contained no similar provision.

STUDENT FINANCIAL ASSISTANCE

The conference agreement specifies appropriations for Student Financial Assistance in Titles I and III of the Act. In the aggregate, the agreement appropriates $6,258,587,000, instead of $6,643,246,000 as proposed by the House and $6,165,290,000 together with $90,000,000 in contingent funding as proposed by the Senate. The conference agreement sets the maximum Pell Grant at $2,470, an increase of $30 over the House passed maximum grant of $2,440 and $30 below the $2,500 maximum grant in the Senate bill. The maximum grant of $2,470 is the highest maximum grant ever provided.

In the aggregate, the agreement provides $4,914,000,000 in new budget authority for the Pell Grant program. This amount combined with $1,304,000,000 in funding which carries forward from previous years, makes available $6,218,000,000 in budget authority for Pell Grants in fiscal year 1996. The Senate bill included $4,814,000,000 and the House bill included $5,423,331,000.

The conference agreement places a cap of 3,650,000 on Pell Grant participants in the 1995–1996 school year, as proposed by the House instead of 3,634,000 as proposed by the Senate. This cap will not deny awards to any eligible students and has been imposed to reflect the actual number of students receiving grants and actual program costs.

The conference agreement provides $93,297,000 for new contributions to institutional revolving loan funds, an increase of $93,297,000 over the House bill which did not provide new capital contributions and a decrease of $64,703,000 below the Senate bill level of $158,000,000

The conference agreement provides $31,375,000 for State Student incentive Grants, a decrease of $32,000,000 below the Senate bill level of $63,375,000. The House bill did not provide funding for this program. The conferees have provided this funding with the understanding that no new funding will be provided for the program in fiscal year 1997. The conferees reiterate that all States have participated in this program since 1978, a sufficient period of time to develop independent and self-sufficient State grant Programs. According to the Department of Education, the federal appropriation for State Student Incentive Grants represent less than 2.5% of total State student assistance. The conferees believe that States have operated this program with a combination of State and federal funds for several years, and the termination of federal support for this program should not result in the termination of substantial downsizing of continuing State grant programs.

HIGHER EDUCATION

The conference agreement provides $836,964,000 for Higher Education programs, the same amount included in the House and Senate bills. The agreement includes a provision proposed by the Senate requiring the Department to award the same number of new Byrd Scholarships in fiscal year 1996 as were awarded in fiscal year 1995 and to prorate downward the amounts for new and continuing Byrd Scholarships to accommodate the awarding of new scholarships. The House bill did not include a similar provision.

HOWARD UNIVERSITY

The conference agreement provides $182,348,000 for Howard University, an increase of $7,677,000 over the amount provided in both the House and Senate bills. The agreement includes $152,859,000 for the Academic program, $7,677,000 more than the amount in the House and Senate bills, and $29,489,000 for the University Hospital, the same amount provided in the House and Senate bills. The agreement also allows the University to use a part of its Academic program appropriation for the endowment at its discretion. The conferees direct that Howard notify the Congress of any transfer from the Academic program to the Endowment fund at least 15 days prior to execution of the transfer. The agreement does not provide funding for the research or construction programs.

EDUCATION RESEARCH, STATISTICS AND IMPROVEMENT

The conference agreement includes $351,268,000 for Education Research, Statistics and Improvement. The House bill included an fiscal year 1996 appropriation of $328,268,000 for this activity and a contingency appropriation of $23,000,000 for a total funding level of $338,268,000 through an fiscal year 1996 appropriation of $328,268,000 and an fiscal year 1997 appropriation of $10,000,000.

The agreement includes a provision proposed by the House that prohibits the use of federal funds to fund the Goals 2000 Community Partnership program.

The Conference agreement earmarks $3,000,000 within the Fund for the Improvement of Education as proposed by the Senate for programs such as those authorized by Part E of title III of the ESEA for equipment and materials necessary for hands-on instruction through assistance to State and local agencies.

With respect to the Regional Educational Laboratories the agreement includes $51,000,000. The conferees note that the current laboratories' contracts have removed substantial funds from the programmatic control of the individual laboratories' governing boards and pulled the laboratories programs of work away from the needs of educators and policymakers in the ten individual laboratory regions. It is the intent of the conferees that no funds provided be used for any purpose other than work that is determined by the priorities of the regional governing board of each individual laboratory. All funds provided to the Regional Educational Laboratories shall be allocated according to each laboratory's percentage of the total amount that was provided to the ten regional educational laboratories by the Department of Education on December 11, 1995. Any special services requested by the Department of Education, other than the OERI National Educational Research Policy and Priorities Board for the purpose of aiding their oversight of federal education research and development program, shall be provided only if each Regional Educational Laboratory agrees that the priorities are consistent with its mission and the costs of such special services are reimbursed to each laboratory from the discretionary funds available to the Department. Further, the Conferees direct the Secretary to survey each regional educational laboratory to establish that all funds provided serve the priority R & D needs identified by the regional education board of each laboratory, document any resource allocation or work priority concerns reported by the laboratories and provide a report of all concerns to the House and Senate Appropriations Committees not later than January 31, 1997.

The agreement also includes a provision proposed by the Senate that extends star school partnership projects that received continuation grants in fiscal year 1996.

Due to the lateness in the fiscal year, conferees have provided that the funds provided for the International Education Exchange program should be used to continue current grantees.

The conferees have not provided funding for the extended time and learning program. The Senate bill had included $2,000,000 for this purpose. The House bill contained no similar provision.

LIBRARIES

The conference agreement includes $132,505,000 for library programs instead of $131,505,000 as proposed by both the House and Senate bills.

Within the funds appropriated for library research and demonstration, the conferees have provided $1,000,000 for the Survivors of he Shoah Visual History Foundation for a multi-media project to document Holocaust survivor testimony. The conferees acknowledge and support the mission of the U.S. Holocaust Memorial Council and the role the council plays in developing and coordinating programs relating to the Holocaust. The $1,000,000 contained in this bill are to supplement the work of the council. These funds have been included for the Survivors of the Shoah Visual History Foundation project because of the extraordinary nature of the work and contribution of Mr. Steven

Spielberg. The conferees concur with the view that this direct grant will put the imprimatur of the U.S. government in a unique manner to repudiate any future claims that the Holocaust never occurred. Because of the special nature of this grant, the conferees do not view this as a precedent for future requests.

The conferees also have provided $1,000,000 for the final phase of the portals demonstration project and, finally, the conferees have provided $1,000,000 for the National Museum of Women in the Arts for activities associated with the archiving of works by women artists.

GENERAL PROVISIONS

The conference agreement includes a general provision as proposed by the House that would prohibit the use of funds appropriated in the bill for opportunity to learn standards or strategies. The Senate had no similar provision.

The conference agreement includes language which reduces the fund available to the Secretary for the administration of the student loan programs, as provided under section 458 of the Higher Education Act. Section 458 provides mandatory spending for student loan administration in amounts which exceed what the Secretary needs for fiscal year 1996. By limiting the amount available to $436,000,000, compared to the $550,000,000 allowed by the Higher Education Act, the agreement achieves savings of $114,000,000. To ensure appropriate scoring of this action by the Congressional Budget Office, the agreement also limits the authority in section 458 which would otherwise permit the Secretary to draw funds from fiscal year 1997 amounts into fiscal year 1996.

The agreement further provides that the Secretary will pay to guaranty agencies the administrative cost allowances owned such agencies for fiscal year 1995 in the amount currently estimated, $95,000,000. The agreement also provides that the Secretary will calculate and pay administrative cost allowances for fiscal year 1996 at the rate of 0.85 percent of the total principal amount of loans upon which insurance was issued on or after October 1, 1995. The estimated amount of such payments is $81,000,000.

The agreement prohibits the Secretary from requiring the return of reserve amounts held by guaranty agencies in fiscal year 1996 except after consultation with the House and Senate authorizing committees. Any such amounts returned must be deposited in the Treasury to help reduce the deficit.

No funds available to the Secretary may be used by the Secretary to pay administrative fees to institutions participating in the Federal Direct Student Loan Program.

The conference agreement restricts the authority of the Secretary to hire advertising agencies or other third parties to provide advertising services to the Department for any student loan program. The Committee does not intend this language to limit the ability of the Secretary to obtain outside assistance to develop and issue informational brochures or similar material for the programs that help students, guidance counselors, student aid administrators, or others, learn such things as how the programs work or their terms and conditions.

The conference agreement includes a general provision as proposed by the House modified to prohibit the use of funds appropriated in the bill for four specific boards and commissions currently funded by the Department of Education. The Senate had no similar provision.

(TRANSFER OF FUNDS)

The conference agreement includes a general provision as proposed by the House that would authorize the Department of Education to transfer up to one percent of funds in any appropriation account to any other account in the Department, provided that the receiving account is not increased by more than three percent thereby and that the Appropriations Committees are notified at least 15 days in advance of any transfer. The Senate had no similar provision.

The conferees have agreed to include this transfer provision to give the Department more flexibility in managing its appropriations. However, the continuation of this provision in the future will depend on the Department's achieving and maintaining audited financial statements in accordance with the Chief Financial Officers Act of 1990 and Office of Management and Budget Bulletin No. 93–06.

TITLE IV—RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS

OPERATING EXPENSES

The conference agreement appropriates $198,393,000 for the Domestic Volunteer Service programs, an increase of $2,123,000 over the House appropriation of $196,270,000 and a decrease of $2,901,000 below the Senate appropriation of $201,294,000. The agreement provides $41,385,000 for regular VISTA Operations. No funding is specifically provided for the VISTA Literacy program, however, the conferees agree that funds may be used to conduct literacy activities previously funded by the VISTA Literacy program.

FEDERAL MEDIATION AND CONCILIATION SERVICE

The agreement provides $32,896,000 for the Federal Mediation and Conciliation Service, the same as the House bill and an increase of $500,000 over the Senate bill.

NATIONAL LABOR RELATIONS BOARD

The agreement provides $170,743,000 for the National Labor Relations Board, instead of $167,245,000 provided in both the House and Senate bills. The agreement also deletes language proposed by the House concerning the issuance of section 10(j) injunctions. The agreement includes language to prohibit the agency from promulgating a final rule on the appropriateness of requested single location bargaining units in representation cases.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

The agreement provides $18,545,512,000 for the Supplemental Security Income program, a decrease of $49,500,000 below the Senate bill and $208,322,000 below the House bill. Of this amount, the managers have provided $1,500,000 to support a demonstration project relating to the Paralympic Games. The grantee shall provide such information as shall be required by the Social Security Administration, including a detailed statement of the activities to be supported under the grant and the budget for each activity, and financial reports documenting how the funds were actually expended.

The agreement makes available an additional amount of $15,000,000 for the processing of Continuing Disability Reviews (CDRs), which was not included in the House or Senate bills, subject to concomitant adjustment of the Subcommittee's 602(b) allocation as permitted by P.L. 104–121.

LIMITATION ON ADMINISTRATIVE EXPENSES

The agreement limits administrative expenditures to $5,821,768,000 for the Social Security Administration, a decrease of $23,415,000 below the Senate bill and $88,500,000 below the House bill. The agreement includes bill language proposed by the Senate permitting the agency to retain any unobligated funds at the end of the fiscal year for its automation initiative.

The agreement also includes an additional limitation of $60,000,000 for the processing of Continuing Disability Reviews (CDRs), which was not included in the House or Senate bills, subject to concomitant adjustment of the Subcommittee's 602(b) allocation as permitted by P.L. 104–121.

The conferees strongly urge that SSA work with an industry-based consortium dedicated to improving software productivity, and with experience institutionalizing software processes and methods; sufficient funds have been included in the conference agreement for this purpose.

RAILROAD RETIREMENT BOARD

LIMITATION ON ADMINISTRATION

The agreement provides a limitation for administrative expenses of $73,169,000 which may be derived from railroad retirement accounts. In combination with a limitation of $16,786,000 from the railroad unemployment insurance administration fund, the agreement provides a total of $89,955,000 for the administrative expenses of the Railroad Retirement Board, an increase of $861,000 above the Senate bill and a decrease of $861,000 below the House bill.

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

The agreement provides a limitation on administrative expenses of $16,786,000 from moneys credited to the railroad unemployment insurance administration fund. Combined with a limitation of $73,169,000 on administrative expenses derived from the railroad retirement accounts, the agreement provides $89,955,000 for the administrative expenses of the Railroad Retirement Board, an increase of $861,000 over the Senate bill and a decrease of $861,000 below the House bill.

TITLE V—GENERAL PROVISIONS

The conference agreement deletes language contained in the House bill stating that States remain free not to fund abortions with Federal funds provided in the bill to the extent that the State deems appropriate, except where the life of the mother would be endangered if the fetus were carried to term. The Senate amendment contained no similar provision. The conference agreement includes, as did both the House bill and the Senate amendment, the language from previous years prohibiting Federal funding of abortion except in the cases of rape, incest and endangerment of the life of the mother.

The conference agreement modifies a provision proposed by the House and Senate bills to exclude from participation in the Pell Grant program institutions which are ruled to be ineligible to participate in a federal student loan program as a result of default rate determinations issued by the Secretary subsequent to February 14, 1996.

The conference agreement includes a general provision proposed by the Senate to limit expenditures on cash performance awards to no more than one percent of amounts appropriated for salaries for each agency funded in the bill. In addition, the provision reduces the amounts otherwise appropriated for salaries and expenses in the bill by $30,500,000, to be allocated by the Office of Management and Budget, as proposed by the Senate. The House bill had no similar provision.

The conference agreement includes language contained in the Senate amendment which amends the Public Health Service Act to prohibit the Federal government and State and local entities who receive Federal financial assistance from discriminating against entities which refuse to provide or refer for provision of abortions or training to perform abortions. The provision requires the Federal government and State and local entities to deem an entity accredited that

would be accredited except for accreditation requirements pertaining to the provision of abortions and abortion training. The House bill contained a similar provision.

The conference agreement includes language contained in the House bill which modifies the Medicare certification survey schedule for home health agencies to permit States greater flexibility to target resources on problem agencies in order to free up funds for certification of new facilities. The agreement also contains language not contained in the House bill that would permit expanded use by Medicare providers of private accreditation by national bodies for initial certifications and recertifications for those national bodies that can demonstrate that their accreditation assures compliance with all Medicare requirements. This ''deeming'' provision would not apply to renal dialysis facilities and durable medical equipment suppliers. There is no intent to change current law or current policy with respect to the deeming of skilled nursing facilities. The agreement also includes language not included in the House bill requiring the Secretary of Health and Human Services to conduct a study of and to report on the effectiveness and appropriateness of the current mechanisms for surveying and certifying skilled nursing facilities and renal dialysis facilities. The Senate amendment contained no similar provision.

The conferees are concerned that quality of care not decline for the large and growing number of Medicare beneficiaries receiving home health services. All agencies should be surveyed at reasonable intervals with no more than a 15 month schedule for those agencies with poor prior performance. If there is a change in ownership, surveys shall occur no less frequently than on a 15 month schedule. Within one year of enactment of this legislation the conferees direct HCFA to report to Congress on the status of implementation of this policy and the impact on quality of care for beneficiaries. In particular, the report shall contain data supporting HCFA's contention that quality of care will improve if resources are targeted on problem agencies.

The conferees expect that the study and report required in this provision will include careful analysis of the adequacy of current nursing facility accreditation standards. Attention should be given to the cost effectiveness of expanding the use of voluntary private accreditation, and whether it is a tool for quality enhancement and as a mean to enable government agencies to focus federal attention more directly on those nursing facilities which need increased oversight. The study should also review the information of accrediting bodies to determine whether it might assist HCFA to access data needed to monitor the performance of nursing facilities. The study should evaluate State-level changes in standards for accreditation of nursing facilities to determine the extent to which they have strengthened the safety net that is vital to assure a baseline of quality and consumer protection. Finally, the conferees are interested in innovative regulatory and nonregulatory incentives for all nursing facilities to continually improve the quality of services provided to Medicare and Medicaid patients. Therefore, the Secretary should include in the report whether such incentives would encourage and reward optimal performance with particular emphasis on improved patient outcomes.

The conference agreement includes language in the Senate amendment requiring the Secretary of Health and Human Services to grant a waiver under the Medicaid program to Charter Health Plan, Inc. of the District of Columbia of the requirement that no more than 75 percent of a managed care provider's enrollment may be Medicaid patients. The House bill had no similar provision.

The conference agreement includes language requiring the Secretary of Health and Human Services to compile data on the number of females in the U.S. who have been subjected to female genital mutilation, to conduct outreach to communities that practice female genital mutilation, and to develop curriculum recommendations for medical schools regarding the practice. The Senate amendment contained a similar provision, but also established criminal penalties for those who performed the procedure on minors. The House bill had no similar provisions.

TITLE VI—ADDITIONAL APPROPRIATIONS

The conference agreement includes title VI of the bill proposed by the House modified to exclude Social Security Administration funding for continuing disability reviews. The House bill established a separate title VI which provided partial appropriations for three different appropriation accounts. It included $396,000,000 for HCFA Program Management for payment safeguard activities, $43,000,000 for the HHS IG for Medicare-related activities and $111,000,000 for the Social Security Administration administrative account for continuing disability reviews. These amounts, when combined with the amounts appropriated for these activities in the regular titles of the bill, provided full-year appropriations. Under the language in title VI, if a subsequent appropriation is enacted in another bill for FY 1996 for these activities, then the amount appropriated in title VI would be canceled. The Senate had no similar provision.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
SUMMARY									
Title I - Department of Labor:									
Federal Funds	8,439,273	9,631,811	6,859,491	8,103,856	7,981,724	-457,549	+1,122,233	-122,132	
Trust Funds	(3,501,398)	(3,629,347)	(3,380,873)	(3,380,873)	(3,380,183)	(-121,215)	(-690)	(-690)	
Title II - Department of Health and Human Services:									
Federal Funds	179,546,934	200,475,428	197,456,742	198,099,790	197,433,251	+17,886,317	-23,491	-666,539	
Current year	(147,099,217)	(168,200,874)	(166,501,392)	(166,144,440)	(166,477,901)	(+19,378,684)	(-23,491)	(+333,461)	
1997 advance	(32,447,717)	(32,274,554)	(30,955,350)	(31,955,350)	(30,955,350)	(-1,492,367)	---	(-1,000,000)	
Trust Funds	(2,235,285)	(2,291,444)	(2,158,375)	(2,142,018)	(2,161,422)	(-73,863)	(+3,047)	(+19,404)	
Title III - Department of Education:									
Federal Funds	26,800,310	28,220,106	23,579,040	25,213,394	25,232,169	-1,568,141	+1,653,129	+18,775	
Title IV - Related Agencies:									
Federal Funds	30,027,988	29,857,742	29,668,628	29,514,330	29,480,927	-547,061	-187,701	-33,403	
Current year	(22,527,988)	(20,131,342)	(19,988,628)	(19,834,330)	(19,800,927)	(-2,727,061)	(-187,701)	(-33,403)	
1997 advance	(7,240,000)	(9,430,000)	(9,430,000)	(9,430,000)	(9,430,000)	(+2,190,000)	---	---	
1998 advance	(260,000)	(296,400)	(250,000)	(250,000)	(250,000)	(-10,000)	---	---	
Trust Funds	(5,660,113)	(6,338,470)	(6,034,682)	(5,967,875)	(6,005,321)	(+345,208)	(-29,361)	(+37,446)	
Title V - 1% Cap on performance awards	---	---	---	-30,500	-30,500	-30,500	-30,500	---	
Total, all titles:									
Federal Funds	244,814,505	268,185,087	257,563,901	260,900,870	260,097,571	+15,283,066	+2,533,670	-803,299	
Current year	(204,866,788)	(226,184,133)	(216,928,551)	(219,265,520)	(219,462,221)	(+14,595,433)	(+2,533,670)	(+196,701)	
1997 advance	(39,687,717)	(41,704,554)	(40,385,350)	(41,385,350)	(40,385,350)	(+697,633)	---	(-1,000,000)	
1998 advance	(260,000)	(296,400)	(250,000)	(250,000)	(250,000)	(-10,000)	---	---	
Trust Funds	(11,396,796)	(12,259,261)	(11,573,930)	(11,490,766)	(11,546,926)	(+150,130)	(-27,004)	(+56,160)	

NOTE: Appropriations for the Centers for Disease Control and the National Institutes of Health were enacted in P.L. 104-91 and are not included in H.R. 3019. Appropriations for these accounts are displayed in this table for descriptive purposes only.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
BUDGET ENFORCEMENT ACT RECAP									
Federal Funds (all years)	244,814,505	268,185,087	257,563,901	260,900,870	260,097,571	+15,283,066	+2,533,670	-803,299	
Mandatory, total in bill	184,182,317	202,641,064	202,369,599	202,161,099	202,235,599	+18,053,282	-134,000	+74,500	
Less advances for subsequent years	-38,687,717	-40,385,350	-40,385,350	-40,385,350	-40,385,350	-1,697,633	---	---	
Plus advances provided in prior years 1/	37,760,000	38,687,717	38,687,717	38,687,717	38,687,717	+927,717	---	---	76900
Adjustment for leg cap on Title XX SSBGs	---	---	280,000	490,000	419,000	+419,000	+139,000	-71,000	76910
Total, mandatory, current year	183,254,600	200,943,431	200,951,966	200,953,466	200,956,966	+17,702,366	+5,000	+3,500	
Discretionary, total in bill (incl rescissions)	60,632,188	65,544,023	55,194,302	58,739,771	57,861,972	-2,770,216	+2,667,670	-877,799	
Less advances for subsequent years	-1,260,000	-1,615,604	-250,000	-1,250,000	-250,000	+1,010,000	---	+1,000,000	
Plus advances provided in prior years 1/	1,767,638	1,275,000	1,275,000	1,275,000	1,275,000	-492,638	---	---	77250
Scorekeeping adjustments:									
Trust funds considered budget authority	6,552,420	6,928,676	6,506,081	6,488,002	6,507,548	-44,872	+1,467	+19,546	
Black lung benefit cola	12,900	---	---	---	---	-12,900	---	---	77400
Adjustment to balance with FY95 bill	-371,792	---	---	---	---	+371,792	---	---	77425
Pell grants, rescission of FY94 funds	-35,000	---	---	---	---	+35,000	---	---	77560
Youth training rescission (FY 1994)	-50,000	---	---	---	---	+50,000	---	---	77570
NIH buildings & facilities resc (FY 1994)	-60,000	---	---	---	---	+60,000	---	---	77580
Emergency funding	-35,000	---	---	---	---	+35,000	---	---	77700

1/ FY95 comparable reflects level before rescission of advance funding. FY96 amounts reflect level after rescission

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
Retirement fraud	-410	---	---	---	---	+410	---	---	77750
Direct loan State fee	---	---	---	-15,000	---	---	---	+15,000	77757
HEAL loan limitation	---	---	-6,983	-6,983	-6,983	-6,983	---	---	77770
Direct loan administration limitation	---	---	-118,000	-90,000	-114,000	-114,000	+4,000	-24,000	77775
JOBS rescission 1/	---	---	---	-10,000	-10,000	-10,000	-10,000	---	77776
Direct loan 40% cap	---	---	-55,000	---	---	---	+55,000	---	77777
Dept of Labor working capital fund	---	---	3,900	3,900	3,900	+3,900	---	---	77780
Advances to the ESA account of the Unempl TF	---	---	-56,300	-56,300	-56,300	-56,300	---	---	77785
Payments to UI trust fund & other funds	---	---	-250,000	-266,000	-266,000	-266,000	-16,000	---	77787
Adjustment for leg cap on Title XX SSBGs 2/	---	---	-280,000	-490,000	-419,000	-419,000	-139,000	+71,000	77790
Medicaid psychiatric hospitals	---	---	---	50,000	50,000	+50,000	+50,000	---	77795
* Total, discretionary, current year 3/	67,152,944	72,132,095	61,963,000	64,372,390	64,576,137	-2,576,807	+2,613,137	+203,747	
* Crime trust fund	11,000	175,400	53,000	53,000	53,000	+42,000	---	---	
* General purposes	67,141,944	71,956,695	61,910,000	64,319,390	64,523,137	-2,618,807	+2,613,137	+203,747	
Grand total, current year	250,407,544	273,075,526	262,914,966	265,325,856	265,533,103	+15,125,559	+2,618,137	+207,247	

1/ Senate and Conference action taken in Title III, Chapter IV of H.R. 3019.

2/ CBO scores Senate at -$420,000,000 due to bill drafting error.

3/ Conference includes $1,298,386,000 that is delayed availability until October 1, 1996.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
DISTRIBUTION OF BILL TOTALS BY AGENCY									
(BUDGET ENFORCEMENT ACT SCOREKEEPING)									
Title I - Department of Labor	8,439,273	9,631,811	6,859,491	8,103,856	7,981,724	-457,549	+1,122,233	-122,132	
Trust funds considered budget authority	3,488,878	3,615,635	3,369,292	3,369,292	3,368,573	-120,305	-719	-719	
Total	11,928,151	13,247,446	10,228,783	11,473,148	11,350,297	-577,854	+1,121,514	-122,851	
Mandatory	2,511,942	1,931,936	1,930,619	1,930,619	1,930,619	-581,323	---	---	
Discretionary	5,927,331	7,699,875	4,928,872	6,173,237	6,051,105	+123,774	+1,122,233	-122,132	
Trust funds considered budget authority	3,488,878	3,615,635	3,369,292	3,369,292	3,368,573	-120,305	-719	-719	
Black lung benefit cola	9,000	---	---	---	---	-9,000	---	---	79650
Retirement fraud	-410	---	---	---	---	+410	---	---	79700
Dept of Labor working capital fund	---	---	3,900	3,900	3,900	+3,900	---	---	79710
Subtotal, discretionary	9,424,799	11,315,510	8,302,064	9,546,429	9,423,578	-1,221	+1,121,514	-122,851	
Total, 602(b) scorekeeping	11,936,741	13,247,446	10,232,683	11,477,048	11,354,197	-582,544	+1,121,514	-122,851	

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
Title II - Dept of Health & Human Services (incl resc)	147,099,217	168,200,874	166,501,392	166,144,440	166,477,901	+19,378,684	-23,491	+333,461	
Prior year advances	32,274,998	32,447,717	32,447,717	32,447,717	32,447,717	+172,719	---	---	80150
Trust funds considered budget authority	2,215,808	2,291,444	2,158,375	2,142,018	2,161,422	-54,386	+3,047	+19,404	
Total	181,590,023	202,940,035	201,107,484	200,734,175	201,087,040	+19,497,017	-20,444	+352,865	
Mandatory	121,238,448	140,717,194	140,447,046	140,237,046	140,308,046	+19,069,598	-139,000	+71,000	
Prior year advances	30,800,000	31,447,717	31,447,717	31,447,717	31,447,717	+647,717	---	---	80550
Adjustment for leg cap on Title XX SSBGs	---	---	280,000	490,000	419,000	+419,000	+139,000	-71,000	80560
Subtotal, mandatory	152,038,448	172,164,911	172,174,763	172,174,763	172,174,763	+20,136,315	---	---	
Discretionary	26,860,769	28,802,884	26,054,346	26,907,394	26,169,855	-690,914	+115,509	-737,539	
Less advances for subsequent years	-1,000,000	-1,319,204	---	-1,000,000	---	+1,000,000	---	+1,000,000	
Prior year advances 1/	1,474,998	1,000,000	1,000,000	1,000,000	1,000,000	-474,998	---	---	81000
Trust funds considered budget authority	2,215,808	2,291,444	2,158,375	2,142,018	2,161,422	-54,386	+3,047	+19,404	
Emergency funding	-35,000	---	---	---	---	+35,000	---	---	81100
Black lung benefit cola	3,900	---	---	---	---	-3,900	---	---	81150
HEAL loan limitation	---	---	-6,983	-6,983	-6,983	-6,983	---	---	81180
Adjustment for leg cap on Title XX SSBGs 2/	---	---	-280,000	-490,000	-419,000	-419,000	-139,000	+71,000	81190
Subtotal, discretionary	29,520,475	30,775,124	28,925,738	28,552,429	28,905,294	-615,181	-20,444	+352,865	
Total, 602(b) scorekeeping	181,558,923	202,940,035	201,100,501	200,727,192	201,080,057	+19,521,134	-20,444	+352,865	

1/ FY95 comparable reflects level before rescission of advance funding. FY96 amounts reflect level after rescission.

2/ CBO scores Senate at -$420,000,000 due to bill drafting error.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
Title III - Department of Education	26,800,310	28,220,106	23,579,040	25,213,394	25,232,169	-1,568,141	+1,653,129	+18,775	
Mandatory	2,354,103	2,416,511	2,416,511	2,416,511	2,420,011	+65,908	+3,500	+3,500	
Discretionary	24,446,207	25,803,595	21,162,529	22,796,883	22,812,158	-1,634,049	+1,649,629	+15,275	
Subtotal, discretionary 2/	24,446,207	25,803,595	21,162,529	22,796,883	22,812,158	-1,634,049	+1,649,629	+15,275	
Total, 602(b) scorekeeping	26,800,310	28,220,106	23,579,040	25,213,394	25,232,169	-1,568,141	+1,653,129	+18,775	
Title IV - Related Agencies (incl rescissions)	22,527,988	20,131,342	19,988,628	19,834,330	19,800,927	-2,727,061	-187,701	-33,403	
Prior year advances	7,252,640	7,515,000	7,515,000	7,515,000	7,515,000	+262,360	---	---	82450
Trust funds considered budget authority	847,734	1,021,597	978,414	976,692	977,553	+129,819	-861	+861	
Total	30,628,362	28,667,939	28,482,042	28,326,022	28,293,480	-2,334,882	-188,562	-32,542	
Mandatory	19,390,107	17,190,073	17,190,073	17,191,573	17,191,573	-2,198,534	+1,500	---	
Prior year advances	6,960,000	7,240,000	7,240,000	7,240,000	7,240,000	+280,000	---	---	82750
Subtotal, mandatory	26,350,107	24,430,073	24,430,073	24,431,573	24,431,573	-1,918,534	+1,500	---	
Discretionary	3,137,881	2,941,269	2,798,555	2,642,757	2,609,354	-528,527	-189,201	-33,403	
Prior year advances 1/	292,640	275,000	275,000	275,000	275,000	-17,640	---	---	83000
Trust funds considered budget authority	847,734	1,021,597	978,414	976,692	977,553	+129,819	-861	+861	
Subtotal, discretionary	4,278,255	4,237,866	4,051,969	3,894,449	3,861,907	-416,348	-190,062	-32,542	
Total, 602(b) scorekeeping	30,628,362	28,667,939	28,482,042	28,326,022	28,293,480	-2,334,882	-188,562	-32,542	
Title V - 1% Cap on performance awards	---	---	---	-30,500	-30,500	-30,500	-30,500	---	

1/ Refer to footnote previous page.

2/ Conference includes $1,298,386,000 that is delayed availability until October 1, 1996.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
Scorekeeping adjustments:									
Adjustment to balance with FY95 bill.....	-371,792	---	---	---	---	+371,792	---	---	83350
Youth training rescission (FY 1994).....	-50,000	---	---	---	---	+50,000	---	---	83370
Pell grants, rescission of FY94 funds.....	-35,000	---	---	---	---	+35,000	---	---	83375
NIH buildings & facilities resc (FY 1994).....	-60,000	---	---	---	---	+60,000	---	---	83380
Direct loan State fee.....	---	---	---	-15,000	---	---	---	+15,000	83382
Direct loan administration limitation.....	---	---	-118,000	-90,000	-114,000	-114,000	+4,000	-24,000	83385
Medicaid psychiatric hospitals.....	---	---	---	50,000	50,000	+50,000	+50,000	---	83387
Direct loan 40% cap.....	---	---	-55,000	---	---	---	+55,000	---	83390
JOBS rescission.....	---	---	---	-10,000	-10,000	-10,000	-10,000	---	83392
Advances to the ESA account of the Unempl TF..	---	---	-56,300	-56,300	-56,300	-56,300	---	---	83394
Payments to UI trsut fund & other funds.....	---	---	-250,000	-266,000	-266,000	-266,000	-16,000	---	83396
Total, current year, all titles.....	250,407,544	273,075,526	262,914,966	265,325,856	265,533,103	+15,125,559	+2,618,137	+207,247	
Mandatory.....	145,494,600	162,255,714	162,264,249	162,265,749	162,269,249	+16,774,649	+5,000	+3,500	
Prior year advances.....	37,760,000	38,687,717	38,687,717	38,687,717	38,687,717	+927,717	---	---	
Subtotal, mandatory, current year.....	183,254,600	200,943,431	200,951,966	200,953,466	200,956,966	+17,702,366	+5,000	+3,500	
Discretionary.....	58,832,886	63,928,419	54,181,919	56,609,388	56,793,589	-2,039,297	+2,611,670	+184,201	
Prior year advances 1/.....	1,767,638	1,275,000	1,275,000	1,275,000	1,275,000	-492,638	---	---	
Trust funds considered budget authority.....	6,552,420	6,928,676	6,506,081	6,488,002	6,507,548	-44,872	+1,467	+19,546	
Subtotal, discretionary current year.....	67,152,944	72,132,095	61,963,000	64,372,390	64,576,137	-2,576,807	+2,613,137	+203,747	

1/ Refer to footnote previous page.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
TITLE I - DEPARTMENT OF LABOR										
EMPLOYMENT AND TRAINING ADMINISTRATION										
TRAINING AND EMPLOYMENT SERVICES 1/										
Grants to States:										
Adult training	996,813	1,054,813	745,700	900,000	850,000	-146,813	+104,300	-50,000	D	1100
Youth training	126,672	288,979	126,672	126,672	126,672	---	---	---	D	1150
Summer youth employment and training program:										
Forward funding	184,788	958,540	---	---	---	-184,788	---	---	D	1250
Current funding	---	---	---	635,000	625,000	+625,000	+625,000	-10,000	D	1260
(Summer of 1995) (non-add)	(184,788)	---	---	---	---	(-184,788)	---	---	NA	1300
Dislocated worker assistance:										
Forward funding	1,228,550	1,396,000	867,000	1,200,000	1,097,500	-131,050	+230,500	-102,500	D	1350
Current funding	---	---	---	---	2,500	+2,500	+2,500	+2,500	D	1360
Proposed leg: Dislocated workers (non-add)	---	(660,000)	---	---	---	---	---	---	NA	1370
Proposed leg: Adult Training (non-add) transfer to Department of Education (Adult Literacy)	---	(-84,161)	---	---	---	---	---	---	NA	1385
Proposed leg: Skill Grants (Pell xfer) (non-add)	(1,827,102)	(2,129,366)	---	---	---	(-1,827,102)	---	---	NA	1400
Subtotal	1,228,550	1,396,000	867,000	1,200,000	1,100,000	-128,550	+233,000	-100,000		
Federally administered programs:										
Native Americans	59,787	61,871	52,502	52,502	52,502	-7,285	---	---	D	1500
Migrants and seasonal farmworkers	79,967	78,303	69,285	69,285	69,285	-10,682	---	---	D	1550

1/ Forward funded except where noted.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Job Corps:										
Operations	957,193	1,029,632	972,475	972,475	972,475	+15,282	---	---	D	1650
Construction and renovation	132,029	198,082	121,467	121,467	121,467	-10,562	---	---	D	1800
Subtotal, Job Corps	1,089,222	1,227,714	1,093,942	1,093,942	1,093,942	+4,720	---	---		
Youth Fair Chance	---	49,785	---	---	---	---	---	---	D	1900
Veterans' employment	8,880	8,880	7,300	7,300	7,300	-1,580	---	---	D	1950
National activities:										
Pilots and demonstrations	33,186	35,522	27,140	27,140	27,140	-6,046	---	---	D	2150
Research, demonstration and evaluation	9,196	12,596	6,196	6,196	6,196	-3,000	---	---	D	2200
Other	10,989	73,584	13,489	13,489	13,489	+2,500	---	---	D	2250
Subtotal, National activities	53,371	121,702	46,825	46,825	46,825	-6,546	---	---		
Subtotal, Federal activities	1,291,227	1,548,255	1,269,854	1,269,854	1,269,854	-21,373	---	---		
Total, Job Training Partnership Act	3,828,050	5,246,587	3,009,226	4,131,526	3,971,526	+143,476	+962,300	-160,000		
Veterans homeless program 1/	---	5,011	---	---	---	---	---	---	D	2450
Glass Ceiling Commission 1/	738	142	142	142	142	-596	---	---	D	2500
Women in apprenticeship 1/	744	744	610	610	610	-134	---	---	D	2550
National Center for the Workplace 1/ 2/	---	---	---	---	---	---	---	---	D	2600
Skills Standards	4,500	12,000	4,000	4,000	4,000	-500	---	---	D	2650
Total, National activities, TES (non-add)	(59,353)	(139,599)	(51,577)	(51,577)	(51,577)	(-7,776)	---	---		
School-to-work	122,500	200,000	95,000	186,000	170,000	+47,500	+75,000	-16,000	D	2700
Total, Training and Employment Services	3,956,532	5,464,484	3,108,978	4,322,278	4,146,278	+189,746	+1,037,300	-176,000		
Subtotal, forward funded	(3,955,050)	(5,458,587)	(3,108,226)	(3,686,526)	(3,518,026)	(-437,024)	(+409,800)	(-168,500)		

1/ Current funded.

2/ FY 1995 funding for this program was rescinded in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS.....	396,060	410,500	350,000	350,000	373,000	-23,060	+23,000	+23,000	D	3305
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES										
Trade adjustment.....	274,400	279,600	279,600	279,600	279,600	+5,200	---	---	M	3450
NAFTA activities.....	---	66,500	66,500	66,500	66,500	+66,500	---	---	M	3500
Total.....	274,400	346,100	346,100	346,100	346,100	+71,700	---	---		
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS										
Unemployment Compensation (Trust Funds):										
State Operations.....	(1,756,626)	(2,206,136)	(2,080,520)	(2,080,520)	(2,080,520)	(+323,894)	---	---	TF*	3750
State integrity activities.....	(367,169)	---	---	---	---	(-367,169)	---	---	TF*	3850
National Activities.....	(17,328)	(17,824)	(10,000)	(10,000)	(10,000)	(-7,328)	---	---	TF*	3900
Contingency.....	(172,137)	(245,983)	(216,333)	(216,333)	(216,333)	(+44,196)	---	---	TF*	3950
Contingency bill language (OMB estimate).....	(67,900)	---	---	---	---	(-67,900)	---	---	NA	4000
Portion treated as budget authority.....	(812)	---	---	---	---	(-812)	---	---	TF*	4050
Subtotal, Unemployment Comp (trust funds)...	(2,314,072)	(2,469,943)	(2,306,853)	(2,306,853)	(2,306,853)	(-7,219)	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Employment Service:										
Allotments to States:										
Federal funds	25,254	24,177	23,452	23,452	23,452	-1,802	---	---	D	4250
Trust funds	(813,658)	(781,735)	(738,283)	(738,283)	(738,283)	(-75,375)	---	---	TF*	4300
Subtotal	838,912	805,912	761,735	761,735	761,735	-77,177	---	---		
National Activities:										
Federal funds	1,934	1,934	1,876	1,876	1,876	-58	---	---	D	4450
Trust funds	(64,194)	(64,194)	(59,058)	(59,058)	(57,058)	(-7,136)	(-2,000)	(-2,000)	TF*	4500
Targeted jobs tax credit	(10,250)	---	---	---	---	(-10,250)	---	---	TF*	4550
Subtotal, Emp. Serv., National Activities	76,378	66,128	60,934	60,934	58,934	-17,444	-2,000	-2,000		
Subtotal, Employment Service	915,290	872,040	822,669	822,669	820,669	-94,621	-2,000	-2,000		
Federal funds	27,188	26,111	25,328	25,328	25,328	-1,860	---	---		
Trust funds	(888,102)	(845,929)	(797,341)	(797,341)	(795,341)	(-92,761)	(-2,000)	(-2,000)		
One-stop Career Centers	100,000	200,000	92,000	110,000	110,000	+10,000	+18,000	---	D	4775
Total, State Unemployment	3,329,362	3,541,983	3,221,522	3,239,522	3,237,522	-91,840	+16,000	-2,000		
Federal Funds	127,188	226,111	117,328	135,328	135,328	+8,140	+18,000	---		
Trust Funds	(3,202,174)	(3,315,872)	(3,104,194)	(3,104,194)	(3,102,194)	(-99,980)	(-2,000)	(-2,000)		
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	1,004,485	369,000	369,000	369,000	369,000	-635,485	---	---	M	4950
ADVANCES TO THE ESA ACCOUNT OF THE UNEMPLOYMENT TRUST FUND	---	---	(-56,300)	(-56,300)	(-56,300)	(-56,300)	---	---	NA	4956
PAYMENTS TO UI TRUST FUND AND OTHER FUNDS	---	---	(-250,000)	(-266,000)	(-266,000)	(-266,000)	(-16,000)	---	NA	4958

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
PROGRAM ADMINISTRATION										
Adult employment and training	27,754	31,144	25,619	25,619	25,619	-2,135	---	---	D	5000
Trust funds	(2,467)	(2,637)	(2,283)	(2,283)	(2,283)	(-184)	---	---	TF*	5010
Youth employment and training	31,815	35,170	29,441	29,441	29,441	-2,374	---	---	D	5020
Employment security	6,584	3,913	6,057	6,057	6,057	-527	---	---	D	5030
Trust funds	(40,271)	(47,378)	(37,167)	(37,167)	(37,167)	(-3,104)	---	---	TF*	5040
Apprenticeship services	17,460	18,681	16,129	16,129	16,129	-1,331	---	---	D	5050
Executive direction	6,306	6,605	5,808	5,808	5,808	-498	---	---	D	5060
Trust funds	(1,414)	(1,887)	(1,343)	(1,343)	(1,343)	(-71)	---	---	TF*	5070
Total, Program Administration	134,071	147,415	123,847	123,847	123,847	-10,224	---	---		
Federal funds	89,919	95,513	83,054	83,054	83,054	-6,865	---	---		
Trust funds	(44,152)	(51,902)	(40,793)	(40,793)	(40,793)	(-3,359)	---	---		
Total, Employment & Training Administration	9,094,910	10,279,482	7,519,447	8,750,747	8,595,747	-499,163	+1,076,300	-155,000		
Federal funds	5,848,584	6,911,708	4,374,460	5,605,760	5,452,760	-395,824	+1,078,300	-153,000		
Trust funds	(3,246,326)	(3,367,774)	(3,144,987)	(3,144,987)	(3,142,987)	(-103,339)	(-2,000)	(-2,000)		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
OFFICE OF THE AMERICAN WORKPLACE										
SALARIES AND EXPENSES										
Office of the Workplace Programs	7,082	10,770	---	---	---	-7,082	---	---	D	5750
PENSION AND WELFARE BENEFITS ADMINISTRATION										
SALARIES AND EXPENSES										
Enforcement and compliance	53,492	65,163	50,750	50,750	52,083	-1,409	+1,333	+1,333	D	6000
Policy, regulation and public service	12,054	12,412	11,242	11,242	11,831	-223	+589	+589	D	6050
Program oversight	3,385	3,607	3,206	3,206	3,583	+198	+377	+377	D	6100
Total, PWBA	68,931	81,182	65,198	65,198	67,497	-1,434	+2,299	+2,299		
PENSION BENEFIT GUARANTY CORPORATION										
Program Administration subject to limitation (Trust Funds)	(11,463)	(12,043)	(10,603)	(10,603)	(10,603)	(-860)	---	---	TF	6350
Services related to terminations not subject to limitations (non-add)	(126,032)	(128,496)	(128,496)	(128,496)	(128,496)	(+2,464)	---	---	NA	6450
Total, PBGC	(137,495)	(140,539)	(139,099)	(139,099)	(139,099)	(+1,604)	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
EMPLOYMENT STANDARDS ADMINISTRATION										
SALARIES AND EXPENSES										
Enforcement of wage and hour standards	100,725	116,943	94,169	94,169	100,196	-529	+6,027	+6,027	D	6650
Office of Labor-Management Standards	23,997	31,075	23,097	23,097	24,192	+195	+1,095	+1,095	D	6675
Federal contractor EEO standards enforcement	58,725	63,831	55,245	55,245	56,851	-1,874	+1,606	+1,606	D	6700
Federal programs for workers' compensation	76,403	82,937	71,648	71,648	73,736	-2,667	+2,088	+2,088	D	6750
Trust funds	(1,057)	(1,669)	(978)	(978)	(1,007)	(-50)	(+29)	(+29)	TF	6800
Program direction and support	11,490	11,690	10,597	10,597	10,662	-828	+65	+65	D	6850
Total, salaries and expenses	272,397	308,145	255,734	255,734	266,644	-5,753	+10,910	+10,910		
Federal funds	271,340	306,476	254,756	254,756	265,637	-5,703	+10,881	+10,881		
Trust funds	(1,057)	(1,669)	(978)	(978)	(1,007)	(-50)	(+29)	(+29)		
SPECIAL BENEFITS										
Federal employees compensation benefits	254,000	214,000	214,000	214,000	214,000	-40,000	---	---	M	7200
Longshore and harbor workers' benefits	4,000	4,000	4,000	4,000	4,000	---	---	---	M	7250
Total, Special Benefits	258,000	218,000	218,000	218,000	218,000	-40,000	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
BLACK LUNG DISABILITY TRUST FUND										
Benefit payments and interest on advances	923,005	949,494	949,494	949,494	949,494	+26,489	---	---	M	7400
Employment Standards Admin., salaries & expenses	27,799	28,655	27,350	27,350	27,350	-449	---	---	M	7450
Departmental Management, salaries and expenses	23,188	19,621	19,621	19,621	19,621	-3,567	---	---	M	7500
Departmental Management, inspector general	309	310	298	298	298	-11	---	---	M	7550
Subtotal, Black Lung Disablty. Trust Fund, apprn	974,301	998,080	996,763	996,763	996,763	+22,462	---	---		
Treasury administrative costs (indefinite)	756	756	756	756	756	---	---	---	M	7650
Total, Black Lung Disability Trust Fund	975,057	998,836	997,519	997,519	997,519	+22,462	---	---		
Total, Employment Standards Administration	1,505,454	1,524,981	1,471,253	1,471,253	1,482,163	-23,291	+10,910	+10,910		
Federal funds	1,504,397	1,523,312	1,470,275	1,470,275	1,481,156	-23,241	+10,881	+10,881		
Trust funds	(1,057)	(1,669)	(978)	(978)	(1,007)	(-50)	(+29)	(+29)		
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION										
SALARIES AND EXPENSES										
Safety and health standards	8,906	9,471	8,354	8,000	8,499	-407	+145	+499	D	8050
Enforcement:										
Federal Enforcement	145,289	155,854	114,015	116,230	121,320	-23,969	+7,305	+5,090	D	8150
State programs	70,615	75,915	65,319	70,615	68,295	-2,320	+2,976	-2,320	D	8200
Technical Support	18,883	21,668	17,467	16,394	18,002	-881	+535	+1,608	D	8250
Compliance Assistance	44,974	55,332	---	---	---	-44,974	---	---	D	8300
Federal Assistance	---	---	18,248	24,858	35,129	+35,129	+16,881	+10,271	D	8310
State Consultation Grants	---	---	35,353	32,479	32,479	+32,479	-2,874	---	D	8320
Safety and health statistics	15,730	20,669	14,707	14,257	14,515	-1,215	-192	+258	D	8350
Executive direction and administration	7,263	7,594	6,537	6,152	6,745	-518	+208	+593	D	8400
Total, OSHA	311,660	346,503	280,000	288,985	304,984	-6,676	+24,984	+15,999		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
MINE SAFETY AND HEALTH ADMINISTRATION										
SALARIES AND EXPENSES										
Enforcement:										
Coal	107,039	112,957	107,039	107,039	107,039	---	---	---	D	8700
Metal/nonmetal	42,296	46,862	41,412	41,412	41,412	-884	---	---	D	8750
Standards development	1,339	1,008	1,008	1,008	1,008	-331	---	---	D	8800
Assessments	3,781	3,712	3,497	3,497	3,497	-284	---	---	D	8850
Educational policy and development	15,064	14,865	14,782	14,782	14,782	-282	---	---	D	8900
Technical support	22,097	23,575	21,268	21,268	21,268	-829	---	---	D	8950
Program administration	8,519	9,127	7,667	7,667	7,667	-852	---	---	D	9000
Total, Mine Safety and Health Administration	200,135	212,106	196,673	196,673	196,673	-3,462	---	---		
BUREAU OF LABOR STATISTICS										
SALARIES AND EXPENSES										
Employment and Unemployment Statistics	99,421	107,955	100,000	100,000	97,155	-2,266	-2,845	-2,845	D	9300
Labor Market Information (Trust Funds)	(53,206)	(56,350)	(49,997)	(49,997)	(51,278)	(-1,928)	(+1,281)	(+1,281)	TF*	9350
Prices and cost of living	93,001	99,224	93,956	93,956	97,712	+4,711	+3,756	+3,756	D	9400
Compensation and working conditions	61,188	63,855	54,625	54,625	53,444	-7,744	-1,181	-1,181	D	9450
Productivity and technology	6,970	7,419	6,413	6,413	6,974	+4	+561	+561	D	9500
Economic growth and employment projections	4,006	4,487	3,847	3,847	4,451	+445	+604	+604	D	9550
Executive direction and staff services	26,723	25,842	22,072	22,072	21,896	-4,827	-176	-176	D	9600
Consumer Price Index Revision	5,127	11,549	11,549	11,549	11,549	+6,422	---	---	D	9700
Total, Bureau of Labor Statistics	349,642	376,681	342,459	342,459	344,459	-5,183	+2,000	+2,000		
Federal Funds	296,436	320,331	292,462	292,462	293,181	-3,255	+719	+719		
Trust Funds	(53,206)	(56,350)	(49,997)	(49,997)	(51,278)	(-1,928)	(+1,281)	(+1,281)		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
DEPARTMENTAL MANAGEMENT										
SALARIES AND EXPENSES										
Executive direction	20,934	26,232	18,641	18,641	18,641	-2,293	---	---	D	10050
Legal services	61,844	69,570	58,072	58,072	58,072	-3,772	---	---	D	10100
Trust funds	(328)	(342)	(303)	(303)	(303)	(-25)	---	---	TF*	10150
International labor affairs	12,198	12,950	5,850	9,930	8,900	-3,298	+3,050	-1,030	D	10200
Administration and management	14,963	15,503	13,904	13,904	13,904	-1,059	---	---	D	10250
Adjudication	19,926	24,589	18,500	18,500	20,500	+574	+2,000	+2,000	D	10300
Promoting employment of people with disabilities	4,358	4,772	4,358	4,358	4,358	---	---	---	D	10350
Women's Bureau	8,326	8,973	7,743	7,743	7,743	-583	---	---	D	10400
Civil Rights Activities	4,888	5,038	4,535	4,535	4,535	-353	---	---	D	10450
Chief Financial Officer	4,738	5,120	4,394	4,394	4,394	-344	---	---	D	10500
Enforcement Automation	2,000	---	---	---	---	-2,000	---	---	D	10550
Total, Salaries and expenses	154,503	173,089	136,300	140,380	141,350	-13,153	+5,050	+970		
Federal funds	154,175	172,747	135,997	140,077	141,047	-13,128	+5,050	+970		
Trust funds	(328)	(342)	(303)	(303)	(303)	(-25)	---	---		
VETERANS EMPLOYMENT AND TRAINING										
State Administration:										
Disabled Veterans Outreach Program	(83,601)	(83,643)	(76,913)	(76,913)	(76,913)	(-6,688)	---	---	TF*	10850
Local Veterans Employment Program	(77,593)	(77,632)	(71,386)	(71,386)	(71,386)	(-6,207)	---	---	TF*	10900
Subtotal, State Administration	(161,194)	(161,275)	(148,299)	(148,299)	(148,299)	(-12,895)	---	---		
Federal Administration	(21,025)	(23,017)	(19,419)	(19,419)	(19,419)	(-1,606)	---	---	TF*	11000
National Veterans Training Institute	(2,904)	(2,822)	(2,672)	(2,672)	(2,672)	(-232)	---	---	TF*	11050
Total, Trust Funds	(185,123)	(187,114)	(170,390)	(170,390)	(170,390)	(-14,733)	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
REINVENTION INVESTMENT FUND	---	3,900	---	---	---	---	---	---	D	11150
OFFICE OF THE INSPECTOR GENERAL										
Program activities	40,517	41,657	37,622	37,622	37,622	-2,895	---	---	D	11300
Trust funds	(3,895)	(4,055)	(3,615)	(3,615)	(3,615)	(-280)	---	---	TF*	11350
Executive Direction and Management	7,356	7,595	6,804	6,804	6,804	-552	---	---	D	11400
Total, Office of the Inspector General	51,768	53,307	48,041	48,041	48,041	-3,727	---	---		
Federal funds	47,873	49,252	44,426	44,426	44,426	-3,447	---	---		
Trust funds	(3,895)	(4,055)	(3,615)	(3,615)	(3,615)	(-280)	---	---		
Total, Departmental Management	391,394	417,410	354,731	358,811	359,781	-31,613	+5,050	+970		
Federal funds	202,048	225,899	180,423	184,503	185,473	-16,575	+5,050	+970		
Trust funds	(189,346)	(191,511)	(174,308)	(174,308)	(174,308)	(-15,038)	---	---		
Total, Labor Department	11,940,671	13,261,158	10,240,364	11,484,729	11,361,907	-578,764	+1,121,543	-122,822		
Federal funds	8,439,273	9,631,811	6,859,491	8,103,856	7,981,724	-457,549	+1,122,233	-122,132		
Trust funds	(3,501,398)	(3,629,347)	(3,380,873)	(3,380,873)	(3,380,183)	(-121,215)	(-690)	(-690)		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES										
HEALTH RESOURCES AND SERVICES ADMINISTRATION										
HEALTH RESOURCES AND SERVICES										
Consolidated health centers	---	---	756,518	759,623	759,623	+759,623	+3,105	---	D	12525
Community health centers	616,555	---	---	---	---	-616,555	---	---	D	12550
Migrant health centers	65,000	---	---	---	---	-65,000	---	---	D	12575
Health care for the homeless	65,445	---	---	---	---	-65,445	---	---	D	12600
Public housing health service grants	9,518	---	---	---	---	-9,518	---	---	D	12625
Health Centers Cluster (proposed legislation)	---	756,399	---	---	---	---	---	---	D	12650
Subtotal, Health Centers Activities	756,518	756,399	756,518	759,623	759,623	+3,105	+3,105	---		
National Health Service Corps:										
Field placements	41,979	---	41,979	40,168	40,428	-1,551	-1,551	+260	D	12925
Recruitment	78,206	---	78,206	74,832	75,317	-2,889	-2,889	+485	D	12935
Subtotal, National Health Service Corps	120,185	---	120,185	115,000	115,745	-4,440	-4,440	+745		

Note: All HHS accounts are current funded unless otherwise noted.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Health Professions										
Consolidated Health Professions Education & Training..	---	---	278,977	---	---	---	-278,977	---	D	13022
Grants to communities for scholarships.....	474	---	---	379	474	---	+474	+95	D	13032
Health professions data system.....	548	---	---	400	240	-308	+240	-160	D	13035
Nurse loan repayment for shortage area service.....	2,044	---	---	1,635	1,962	-82	+1,962	+327	D	13040
Research on health professions issues.....	600	---	---	---	---	-600	---	---	D	13075
Workforce Development Cluster (proposed leg).....	---	127,218	---	---	---	---	---	---	D	13100
Centers of excellence.....	23,040	---	---	20,275	22,118	-922	+22,118	+1,843	D	13175
Health careers opportunity program.....	25,350	---	---	21,996	23,996	-1,354	+23,996	+2,000	D	13200
Exceptional financial need scholarships.....	10,542	---	---	9,277	10,120	-422	+10,120	+843	D	13225
Faculty loan repayment.....	955	---	---	840	955	---	+955	+115	D	13250
Fin assistance for disadvantaged HP students.....	5,895	---	---	5,500	5,999	+104	+5,999	+499	D	13275
HPSL recapitalization.....	8,017	---	---	---	---	-8,017	---	---	D	13300
Scholarships for disadvantaged students.....	17,376	---	---	15,638	16,681	-695	+16,681	+1,043	D	13325
Minority / Disadvantaged Cluster (proposed leg).....	---	89,450	---	---	---	---	---	---	D	13350
Family medicine training / departments.....	46,057	---	---	37,427	44,215	-1,842	+44,215	+6,788	D	13575
General internal medicine and pediatrics.....	16,503	---	---	13,202	15,843	-660	+15,843	+2,641	D	13600
Physician assistants.....	5,964	---	---	5,069	5,725	-239	+5,725	+656	D	13625
Public health and preventive medicine.....	7,546	---	---	6,414	7,244	-302	+7,244	+830	D	13650
Health administration traineeships / projects.....	978	---	---	831	978	---	+978	+147	D	13675
Primary Care Medicine and Public Health Cluster (proposed legislation).....	---	76,055	---	---	---	---	---	---	D	13700

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Area health education centers	24,125	---	---	24,125	23,160	-965	+23,160	-965	D	13710
Border health training centers	3,509	---	---	2,807	3,369	-140	+3,369	+562	D	13720
General dentistry residencies	3,530	---	---	3,354	3,389	-141	+3,389	+35	D	13730
Allied health special projects	3,580	---	---	3,043	3,437	-143	+3,437	+394	D	13740
Geriatric education centers and training	8,273	---	---	6,618	7,942	-331	+7,942	+1,324	D	13750
Interdisciplinary traineeships	3,880	---	---	3,686	3,725	-155	+3,725	+39	D	13760
Podiatric medicine	615	---	---	615	615	---	+615	---	D	13770
Chiropractic demonstration grants	936	---	---	936	936	---	+936	---	D	13775
Enhanced Area Health Education Cluster (proposed legislation)	---	38,783	---	---	---	---	---	---	D	13780
Advanced nurse education	11,642	---	---	10,245	11,176	-466	+11,176	+931	D	13790
Nurse practitioners / nurse midwives	16,140	---	---	14,203	15,494	-646	+15,494	+1,291	D	13800
Special projects	9,848	---	---	8,666	9,454	-394	+9,454	+788	D	13825
Nurse disadvantaged assistance	3,606	---	---	3,173	3,462	-144	+3,462	+289	D	13850
Professional nurse traineeships	14,830	---	---	13,050	14,237	-593	+14,237	+1,187	D	13875
Nurse anesthetists	2,574	---	---	2,265	2,471	-103	+2,471	+206	D	13900
Nurse Education / Practice Initiatives Cluster (proposed legislation)	---	56,750	---	---	---	---	---	---	D	13925
Subtotal, Health professions	278,977	388,256	278,977	235,669	259,417	-19,560	-19,560	+23,748		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Other HRSA Programs:										
Hansen's disease services	20,826	20,826	17,500	17,500	17,500	-3,326	---	---	D	14425
Maternal & child health block grant	683,950	678,866	678,866	678,866	678,866	-5,084	---	---	D	14450
Healthy start	104,220	100,000	93,000	93,000	93,000	-11,220	---	---	D	14475
Organ transplantation	2,629	2,629	2,400	2,400	2,400	-229	---	---	D	14500
Health teaching facilities interest subsidies	411	411	411	411	411	---	---	---	D	14525
Bone marrow program	15,360	15,360	15,360	15,360	15,360	---	---	---	D	14550
Rural outreach grants	26,091	---	27,898	27,898	27,898	+1,807	---	---	D	14575
State Offices of Rural Health 1/	---	---	---	---	---	---	---	---	D	14600
Rural Health Cluster (proposed legislation)	---	29,029	---	---	---	---	---	---	D	14625
Trauma care	293	---	---	---	---	-293	---	---	D	14650
Emergency medical services for children	10,000	---	11,000	10,500	11,000	+1,000	---	+500	D	14675
Emergency Medical Services (EMS) Cluster (proposed legislation)	---	14,784	---	---	---	---	---	---	D	14700
Black lung clinics	4,142	---	3,811	3,811	3,811	-331	---	---	D	14725
Alzheimers demonstration grants	4,959	---	4,000	4,000	4,000	-959	---	---	D	14750
Payment to Hawaii, treatment of Hansen's Disease	2,976	---	2,045	2,045	2,045	-931	---	---	D	14775
Pacific Basin initiative	1,500	---	1,200	1,200	1,200	-300	---	---	D	14800
Native Hawaiian health care	4,336	---	---	---	---	-4,336	---	---	D	14825
Special Populations Cluster (proposed legislation)	---	17,259	---	---	---	---	---	---	D	14850
Subtotal, Other HRSA programs	881,693	879,164	857,491	856,991	857,491	-24,202	---	+500		

1/ FY 1995 funding for this program was rescinded in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Acquired Immune Deficiency Syndrome (AIDS):										
Education and training centers	16,287	16,287	6,000	6,000	12,000	-4,287	+6,000	+6,000	D	15025
AIDS dental services	6,937	6,937	6,937	6,937	6,937	---	---	---	D	15050
Ryan White AIDS Programs:										
Emergency assistance	356,500	407,000	379,500	379,500	391,700	+35,200	+12,200	+12,200	D	15100
Comprehensive care programs	198,147	273,897	250,147	198,147	260,847	+62,700	+10,700	+62,700	D	15125
Early intervention program	52,318	62,568	52,318	52,318	56,918	+4,600	+4,600	+4,600	D	15150
Pediatric demonstrations	26,000	32,000	26,500	26,500	29,000	+3,000	+2,500	+2,500	D	15175
Subtotal, Ryan White AIDS programs	632,965	775,465	708,465	656,465	738,465	+105,500	+30,000	+82,000		
Subtotal, AIDS	656,189	798,689	721,402	669,402	757,402	+101,213	+36,000	+88,000		
Family planning	193,349	198,982	193,349	193,349	193,349	---	---	---	D	15275
Rural health research	9,426	9,426	9,426	9,426	9,426	---	---	---	D	15300
Health care facilities	10,000	2,000	10,000	10,000	20,000	+10,000	+10,000	+10,000	D	15325
Buildings and facilities	933	933	858	858	858	-75	---	---	D	15350
National practitioner data bank	9,000	6,000	6,000	6,000	6,000	-3,000	---	---	D	15375
User fees	-9,000	-6,000	-6,000	-6,000	-6,000	+3,000	---	---	D	15400
Program management	120,909	120,546	120,546	120,546	120,546	-363	---	---	D	15425
Savings attributable to legislative proposal	---	(6,000)	---	---	---	---	---	---	NA	15450
Undistributed administrative reduction	---	---	-16,000	-16,000	-16,000	-16,000	---	---	D	15475
Total, Health resources and services	3,028,179	3,154,395	3,052,752	2,954,864	3,077,857	+49,678	+25,105	+122,993		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:										
Interest subsidy program	9,000	8,000	8,000	8,000	8,000	-1,000	---	---	M	15600
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):										
New loan subsidies	22,050	18,044	13,500	13,500	13,500	-8,550	---	---	M	15650
Liquidating account (non-add)	(17,990)	(42,000)	(42,000)	(42,000)	(42,000)	(+24,010)	---	---	NA	15675
HEAL loan limitation (non-add)	(375,000)	(280,000)	(210,000)	(210,000)	(210,000)	(-165,000)	---	---	NA	15700
Program management	2,922	2,922	2,688	2,688	2,688	-234	---	---	D	15725
Total, HEAL	24,972	20,966	16,188	16,188	16,188	-8,784	---	---		
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:										
Post - FY88 claims (trust fund)	54,476	56,721	56,721	56,721	56,721	+2,245	---	---	M	15800
HRSA administration (trust fund)	3,000	3,000	3,000	3,000	3,000	---	---	---	M	15825
Subtotal, Vaccine injury compensation trust fund	57,476	59,721	59,721	59,721	59,721	+2,245	---	---		
VACCINE INJURY COMPENSATION:										
Pre - FY89 claims (appropriation)	110,000	110,000	110,000	110,000	110,000	---	---	---	M	15900
Total, Vaccine injury	167,476	169,721	169,721	169,721	169,721	+2,245	---	---		
Total, Health Resources & Services Admin	3,229,627	3,353,082	3,246,661	3,148,773	3,271,766	+42,139	+25,105	+122,993		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
CENTERS FOR DISEASE CONTROL 1/										
DISEASE CONTROL, RESEARCH AND TRAINING										
Preventive Health Services Block Grant	157,916	154,338	145,418	145,418	145,418	-12,498	---	---	D	18700
Prevention centers	7,724	7,724	8,099	8,099	8,099	+375	---	---	D	18800
Data initiative	---	6,000	---	---	---	---	---	---	D	18850
1% evaluation funds (non-add)	---	(14,000)	---	---	---	---	---	---	NA	18900
Immunization partnership grant (proposed legislation)	---	502,818	---	---	---	---	---	---	D	18950
CDC/HCFA vaccine program:										
Proposed legislation: Vaccine tax cut (non-add)	---	-25,000	---	---	---	---	---	---	NA	18975
Childhood immunization	463,734	---	470,497	470,497	470,497	+6,763	---	---	D	19000
HCFA vaccine purchase (non-add)	(376,000)	(408,307)	(408,307)	(408,307)	(409,759)	(+33,759)	(+1,452)	(+1,452)	NA	19075
Subtotal, CDC/HCFA vaccine program level	(839,734)	(383,307)	(878,804)	(878,804)	(880,256)	(+40,522)	(+1,452)	(+1,452)		
1995 Vaccine rescission (non-add)	---	---	(-53,000)	(-53,000)	---	---	(+53,000)	(+53,000)	NA	19090
Communicable diseases:										
HIV/STD/TB partnership grant (proposed legislation	---	848,331	---	---	---	---	---	---	D	19150
Acquired Immune Deficiency Syndrome (AIDS)	589,831	---	589,962	589,962	589,962	+131	---	---	D	19200
Tuberculosis	119,573	---	119,582	119,582	119,582	+9	---	---	D	19250
Sexually transmitted diseases	105,164	---	108,242	108,242	108,242	+3,078	---	---	D	19300
Subtotal, Communicable diseases	814,568	848,331	817,786	817,786	817,786	+3,218	---	---		
Chronic diseases:										
Chronic diseases partnership grant (proposed leg)	---	243,498	---	---	---	---	---	---	D	19400
Chronic and environmental disease prevention	139,664	---	147,439	147,439	147,439	+7,775	---	---	D	19450
Breast and cervical cancer screening	100,000	---	125,000	125,000	125,000	+25,000	---	---	D	19500
Subtotal, Chronic diseases	239,664	243,498	272,439	272,439	272,439	+32,775	---	---		

1/ Appropriations were enacted in P.L. 104-91 and are displayed here for descriptive purposes only.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Infectious disease	54,340	63,191	65,057	65,057	65,057	+10,717	---	---	D	19600
Lead poisoning prevention	36,404	36,391	36,409	36,409	36,409	+5	---	---	D	19650
Injury control	43,669	44,661	43,679	43,679	43,679	+10	---	---	D	19700
Occupational Safety and Health (NIOSH)	131,984	137,084	133,859	133,859	133,859	+1,875	---	---	D	19925
Epidemic services	73,198	73,318	73,325	73,325	73,325	+127	---	---	D	20000
National Center for Health Statistics:										
Program operations	53,508	53,564	40,063	40,063	40,063	-13,445	---	---	D	20100
1% evaluation funds (non-add)	(27,862)	(27,862)	(40,063)	(40,063)	(40,063)	(+12,201)	---	---	NA	20200
Subtotal, health statistics	53,508	53,564	40,063	40,063	40,063	-13,445	---	---		
Buildings and facilities	3,575	3,575	4,353	4,353	4,353	+778	---	---	D	20300
Program management	3,058	3,067	3,067	3,067	3,067	+9	---	---	D	20325
Savings attibutable to legislative proposal	---	6,000	---	---	---	---	---	---	D	20350
Undistributed administrative reduction	---	---	-31,000	-31,000	-31,000	-31,000	---	---	D	20375
Subtotal, Centers for Disease Control	2,083,342	2,183,560	2,083,051	2,083,051	2,083,051	-291	---	---		
Crime Bill Activities:										
Rape prevention and education	---	35,000	28,542	28,542	28,542	+28,542	---	---	D	20420
Domestic violence community demonstrations	---	4,000	3,000	3,000	3,000	+3,000	---	---	D	20430
Crime victim study	---	100	100	100	100	+100	---	---	D	20440
Subtotal, Crime bill activities	---	39,100	31,642	31,642	31,642	+31,642	---	---		
Total, Disease Control	2,083,342	2,222,660	2,114,693	2,114,693	2,114,693	+31,351	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
NATIONAL INSTITUTES OF HEALTH 1/										
National Cancer Institute	1,913,167	1,994,007	2,251,084	2,251,084	2,251,084	+337,917	---	---	D	20850
Transfer, Office of AIDS Research	(217,735)	(225,790)	---	---	---	(-217,735)	---	---	NA	20900
Subtotal	(2,130,902)	(2,219,797)	(2,251,084)	(2,251,084)	(2,251,084)	(+120,182)	---	---		
National Heart, Lung, and Blood Institute	1,242,574	1,279,096	1,355,866	1,355,866	1,355,866	+113,292	---	---	D	21100
Transfer, Office of AIDS Research	(55,485)	(57,925)	---	---	---	(-55,485)	---	---	NA	21150
Subtotal	(1,298,059)	(1,337,021)	(1,355,866)	(1,355,866)	(1,355,866)	(+57,807)	---	---		
National Institute of Dental Research	163,112	168,341	183,196	183,196	183,196	+20,084	---	---	D	21350
Transfer, Office of AIDS Research	(11,733)	(12,309)	---	---	---	(-11,733)	---	---	NA	21400
Subtotal	(174,845)	(180,650)	(183,196)	(183,196)	(183,196)	(+8,351)	---	---		
National Institute of Diabetes and Digestive and Kidney Diseases	724,974	748,798	771,252	771,252	771,252	+46,278	---	---	D	21600
Transfer, Office of AIDS Research	(10,752)	(11,735)	---	---	---	(-10,752)	---	---	NA	21650
Subtotal	(735,726)	(760,533)	(771,252)	(771,252)	(771,252)	(+35,526)	---	---		
National Institute of Neurological Disorders and Stroke	628,247	648,255	681,534	681,534	681,534	+53,287	---	---	D	21900
Transfer, Office of AIDS Research	(22,741)	(23,807)	---	---	---	(-22,741)	---	---	NA	22000
Subtotal	(650,988)	(672,062)	(681,534)	(681,534)	(681,534)	(+30,546)	---	---		

1/ Appropriations were enacted in P.L. 104-91 and are displayed here for descriptive purposes only.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
National Institute of Allergy and Infectious Diseases.	536,940	557,354	1,169,628	1,169,628	1,169,628	+632,688	---	---	D	22200
Transfer, Office of AIDS Research.....	(557,766)	(596,018)	---	---	---	(-557,766)	---	---	NA	22250
Subtotal.....	(1,094,706)	(1,153,372)	(1,169,628)	(1,169,628)	(1,169,628)	(+74,922)	---	---		
National Institute of General Medical Sciences.....	880,233	907,674	946,971	946,971	946,971	+66,738	---	---	D	22450
Transfer, Office of AIDS Research.....	(24,664)	(26,135)	---	---	---	(-24,664)	---	---	NA	22500
Subtotal.....	(904,897)	(933,809)	(946,971)	(946,971)	(946,971)	(+42,074)	---	---		
National Institute of Child Health and Human Development.....	509,031	526,177	595,162	595,162	595,162	+86,131	---	---	D	22750
Transfer, Office of AIDS Research.....	(58,667)	(60,713)	---	---	---	(-58,667)	---	---	NA	22800
Subtotal.....	(567,698)	(586,890)	(595,162)	(595,162)	(595,162)	(+27,464)	---	---		
National Eye Institute.....	291,464	300,693	314,185	314,185	314,185	+22,721	---	---	D	23000
Transfer, Office of AIDS Research.....	(8,606)	(9,125)	---	---	---	(-8,606)	---	---	NA	23050
Subtotal.....	(300,070)	(309,818)	(314,185)	(314,185)	(314,185)	(+14,115)	---	---		
National Institute of Environmental Health Sciences...	266,337	278,832	288,898	288,898	288,898	+22,561	---	---	D	23250
Transfer, Office of AIDS Research.....	(5,745)	(6,051)	---	---	---	(-5,745)	---	---	NA	23300
Subtotal.....	(272,082)	(284,883)	(288,898)	(288,898)	(288,898)	(+16,816)	---	---		
National Institute on Aging.....	432,164	445,823	453,917	453,917	453,917	+21,753	---	---	D	23500
Transfer, Office of AIDS Research.....	(1,715)	(1,785)	---	---	---	(-1,715)	---	---	NA	23550
Subtotal.....	(433,879)	(447,608)	(453,917)	(453,917)	(453,917)	(+20,038)	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
National Institute of Arthritis and Musculoskeletal and Skin Diseases	228,122	235,428	241,828	241,828	241,828	+13,706	---	---	D	23800
Transfer, Office of AIDS Research	(2,879)	(3,039)	---	---	---	(-2,879)	---	---	NA	23850
Subtotal	(231,001)	(238,467)	(241,828)	(241,828)	(241,828)	(+10,827)	---	---		
National Institute on Deafness and Other Communication Disorders	167,138	172,399	176,502	176,502	176,502	+9,364	---	---	D	24100
Transfer, Office of AIDS Research	(1,552)	(1,650)	---	---	---	(-1,552)	---	---	NA	24150
Subtotal	(168,690)	(174,049)	(176,502)	(176,502)	(176,502)	(+7,812)	---	---		
National Institute of Nursing Research	48,123	50,159	55,831	55,831	55,831	+7,708	---	---	D	24250
Transfer, Office of AIDS Research	(4,577)	(4,896)	---	---	---	(-4,577)	---	---	NA	24300
Subtotal	(52,700)	(55,055)	(55,831)	(55,831)	(55,831)	(+3,131)	---	---		
National Institute on Alcohol Abuse and Alcoholism	180,064	185,712	198,607	198,607	198,607	+18,543	---	---	D	24400
Transfer, Office of AIDS Research	(9,741)	(10,135)	---	---	---	(-9,741)	---	---	NA	24450
Subtotal	(189,805)	(195,847)	(198,607)	(198,607)	(198,607)	(+8,802)	---	---		
National Institute on Drug Abuse	289,581	298,738	458,441	458,441	458,441	+168,860	---	---	D	24550
Transfer, Office of AIDS Research	(147,347)	(153,331)	---	---	---	(-147,347)	---	---	NA	24600
Subtotal	(436,928)	(452,069)	(458,441)	(458,441)	(458,441)	(+21,513)	---	---		
National Institute of Mental Health	541,376	558,580	661,328	661,328	661,328	+119,952	---	---	D	24700
Transfer, Office of AIDS Research	(88,562)	(93,556)	---	---	---	(-88,562)	---	---	NA	24750
Subtotal	(629,938)	(652,136)	(661,328)	(661,328)	(661,328)	(+31,390)	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
National Center for Research Resources	287,341	307,544	390,339	390,339	390,339	+102,998	---	---	D	25175
Transfer, Office of AIDS Research	(64,630)	(68,370)	---	---	---	(-64,630)	---	---	NA	25180
Subtotal	(351,971)	(375,914)	(390,339)	(390,339)	(390,339)	(+38,368)	---	---		
National Center for Human Genome Research	152,906	166,678	170,041	170,041	170,041	+17,135	---	---	D	25250
Transfer, Office of AIDS Research	(993)	(1,000)	---	---	---	(-993)	---	---	NA	25300
Subtotal	(153,899)	(167,678)	(170,041)	(170,041)	(170,041)	(+16,142)	---	---		
John E. Fogarty International Center	14,633	15,267	25,313	25,313	25,313	+10,680	---	---	D	25450
Transfer, Office of AIDS Research	(9,108)	(9,694)	---	---	---	(-9,108)	---	---	NA	25500
Subtotal	(23,741)	(24,961)	(25,313)	(25,313)	(25,313)	(+1,572)	---	---		
National Library of Medicine	125,195	136,311	141,439	141,439	141,439	+16,244	---	---	D	25650
Transfer, Office of AIDS Research	(2,694)	(3,162)	---	---	---	(-2,694)	---	---	NA	25700
Subtotal	(127,889)	(139,473)	(141,439)	(141,439)	(141,439)	(+13,550)	---	---		
Office of the Director	214,234	230,256	261,488	261,488	261,488	+47,254	---	---	D	25900
Transfer, Office of AIDS Research	(25,394)	(27,598)	---	---	---	(-25,394)	---	---	NA	25950
Subtotal	(239,628)	(257,854)	(261,488)	(261,488)	(261,488)	(+21,860)	---	---		
Buildings and facilities	114,120	144,120	146,151	146,151	146,151	+32,031	---	---	D	26100
Office of AIDS Research	1,333,086	1,407,824	---	---	---	-1,333,086	---	---	D	26110
Total N.I.H.	11,284,162	11,764,066	11,939,001	11,939,001	11,939,001	+654,839	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION										
Center for Mental Health Services:										
Consolidated Mental Health Demonstrations.....	---	53,092	38,100	38,100	38,100	+38,100	---	---	D	26900
Mental Health Block Grant.....	275,420	304,617	275,420	226,281	275,420	---	---	+49,139	D	26950
Children's mental health.....	59,958	60,000	60,000	60,000	60,000	+42	---	---	D	27000
Clinical training / AIDS training.....	5,379	---	---	---	---	-5,379	---	---	D	27050
Community support demonstrations.....	24,147	---	---	---	---	-24,147	---	---	D	27100
Grants to States for the homeless (PATH).....	29,462	---	20,000	20,000	20,000	-9,462	---	---	D	27150
Homeless services demonstrations.....	21,205	---	---	---	---	-21,205	---	---	D	27200
Protection and advocacy.....	21,957	21,760	19,850	19,850	19,850	-2,107	---	---	D	27250
AIDS demonstrations.....	1,485	---	---	---	---	-1,485	---	---	D	27300
Subtotal, mental health.....	439,013	439,469	413,370	364,231	413,370	-25,643	---	+49,139		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Center for Substance Abuse Treatment:										
Consolidated Treatment Demonstrations	---	236,694	90,000	90,000	90,000	+90,000	---	---	D	27600
Substance abuse block grant	1,234,107	1,294,107	1,234,107	1,200,000	1,234,107	---	---	+34,107	D	27650
Treatment grants to crisis areas	35,520	---	---	---	---	-35,520	---	---	D	27700
Treatment improvement demos:										
Pregnant/post partum women and children	54,228	---	---	---	---	-54,228	---	---	D	27800
Transfer from forfeiture fund (non-add)	(10,000)	---	---	---	---	(-10,000)	---	---	NA	27850
Criminal justice program	37,502	---	---	---	---	-37,502	---	---	D	27900
Designated populations	23,561	---	---	---	---	-23,561	---	---	D	27950
Comprehensive community treatment program	27,073	---	---	---	---	-27,073	---	---	D	28000
Transfer from forfeiture fund (non-add)	(4,000)	---	---	---	---	(-4,000)	---	---	NA	28050
Training	5,590	---	---	---	---	-5,590	---	---	D	28100
AIDS demonstration & training:										
Training	2,787	---	---	---	---	-2,787	---	---	D	28300
Linkage	7,739	---	---	---	---	-7,739	---	---	D	28350
Outreach	7,500	---	---	---	---	-7,500	---	---	D	28400
Treatment capacity expansion program	6,701	---	---	---	---	-6,701	---	---	D	28450
Subtotal, Substance Abuse Treatment	1,442,308	1,530,801	1,324,107	1,290,000	1,324,107	-118,201	---	+34,107		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Center for Substance Abuse Prevention:										
Consolidated Prevention Demonstrations	---	216,080	90,000	90,000	90,000	+90,000	---	---	D	28600
Prevention demonstrations:										
High risk youth	65,160	---	---	---	---	-65,160	---	---	D	28700
Pregnant women & infants	22,501	---	---	---	---	-22,501	---	---	D	28750
Other programs	6,318	---	---	---	---	-6,318	---	---	D	28800
Community partnership	114,741	---	---	---	---	-114,741	---	---	D	28850
Prevention education/dissemination	13,465	---	---	---	---	-13,465	---	---	D	28900
Training	16,049	---	---	---	---	-16,049	---	---	D	28950
Subtotal, Substance Abuse Prevention	238,234	216,080	90,000	90,000	90,000	-148,234	---	---		
Subtotal, Abuse Prevention program level	(238,234)	(216,080)	(90,000)	(90,000)	(90,000)	(-148,234)	---	---		
Program management	61,113	58,042	56,238	56,238	56,238	-4,875	---	---	D	29050
Savings attributable to legislative proposal	---	3,000	---	---	---	---	---	---	D	29160
Total, Substance Abuse and Mental Health	2,180,668	2,247,392	1,883,715	1,800,469	1,883,715	-296,953	---	+83,246		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
ASSISTANT SECRETARY FOR HEALTH										
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH										
Population affairs: Adolescent family life	6,678	6,144	---	---	---	-6,678	---	---	D	29700
Health Initiatives:										
Office of Disease Prevention and Health Promotion	4,558	4,601	---	---	---	-4,558	---	---	D	29850
Physical fitness and sports	1,407	1,406	---	---	---	-1,407	---	---	D	29900
Minority health	20,540	20,592	---	---	---	-20,540	---	---	D	29950
National vaccine program	988	995	---	---	---	-988	---	---	D	30000
Office of research integrity	3,853	3,858	---	---	---	-3,853	---	---	D	30050
Office of women's health	2,542	2,552	---	---	---	-2,542	---	---	D	30100
Emergency preparedness	2,180	2,374	---	---	---	-2,180	---	---	D	30150
Health care reform data analysis	1,344	---	---	---	---	-1,344	---	---	D	30200
Data development program	---	3,856	---	---	---	---	---	---	D	30225
Health Service Management	18,432	17,304	---	---	---	-18,432	---	---	D	30250
Streamlining costs	1,500	785	---	---	---	-1,500	---	---	D	30300
National AIDS program office	1,730	1,739	---	---	---	-1,730	---	---	D	30350
Total, OASH	65,752	66,206	---	---	---	-65,752	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS										
Retirement payments	124,213	129,808	129,808	129,808	129,808	+5,595	---	---	M	30700
Survivors benefits	8,826	9,208	9,208	9,208	9,208	+382	---	---	M	30750
Dependent's medical care	23,844	25,108	25,108	25,108	25,108	+1,264	---	---	M	30800
Military Services Credits	2,438	2,801	2,801	2,801	2,801	+363	---	---	M	30850
Total, Retirement pay and medical benefits	159,321	166,925	166,925	166,925	166,925	+7,604	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
AGENCY FOR HEALTH CARE POLICY AND RESEARCH										
Health services research:										
Research	58,919	63,433	38,160	38,160	9,160	-49,759	-29,000	-29,000	D	31400
1% evaluation funding (non-add)	(18,300)	(39,284)	(31,124)	(34,284)	(60,124)	(+41,824)	(+29,000)	(+25,840)	NA	31600
Subtotal including trust funds & 1% funds	(77,219)	(102,717)	(69,284)	(72,444)	(69,284)	(-7,935)	---	(-3,160)		
Medical treatment effectiveness:										
Federal funds	73,947	76,568	55,796	27,000	55,796	-18,151	---	+28,796	D	31750
Trust funds	(5,796)	(5,796)	---	---	---	(-5,796)	---	---	TF*	31800
1% evaluation funding (non-add)	---	(6,000)	---	(28,796)	---	---	---	(-28,796)	NA	31900
Subtotal, Medical treatment effectiveness	(79,743)	(88,364)	(55,796)	(55,796)	(55,796)	(-23,947)	---	---		
Program support	2,424	2,423	2,230	2,230	2,230	-194	---	---	D	32000
Undistributed administrative reduction	---	---	-2,000	-2,000	-2,000	-2,000	---	---	D	32025
Total, Health Care Policy and Research:										
Federal Funds	135,290	142,424	94,186	65,390	65,186	-70,104	-29,000	-204		
Trust funds	(5,796)	(5,796)	---	---	---	(-5,796)	---	---		
Total, 1% evaluation funding (non-add)	(18,300)	(45,284)	(31,124)	(63,080)	(60,124)	(+41,824)	(+29,000)	(-2,956)		
Total, Health Care Policy & Research (non-add)	(159,386)	(193,504)	(125,310)	(128,470)	(125,310)	(-34,076)	---	(-3,160)		
Total, Public Health Service:										
Federal Funds	19,138,162	19,962,755	19,445,181	19,235,251	19,441,286	+303,124	-3,895	+206,035		
Trust funds	(5,796)	(5,796)	---	---	---	(-5,796)	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
HEALTH CARE FINANCING ADMINISTRATION										
GRANTS TO STATES FOR MEDICAID										
Medicaid current law benefits	84,835,700	92,235,200	92,235,200	92,235,200	92,235,200	+7,399,500	---	---	M	33100
Excess benefit budget authority	7,657,598	---	---	---	---	-7,657,598	---	---	M	33150
State and local administration	3,602,660	3,742,000	3,742,000	3,742,000	3,742,000	+139,340	---	---	M	33200
Excess admin budget authority	294,891	---	---	---	---	-294,891	---	---	M	33250
Proposed legislation: Vaccine tax cut (non-add)	---	(-46,800)	---	---	---	---	---	---	NA	33300
Subtotal, Medicaid program level, FY 1996	96,390,849	95,977,200	95,977,200	95,977,200	95,977,200	-413,649	---	---		
Carryover balance	-7,150,074	-13,835,128	-13,835,128	-13,835,128	-13,835,128	-6,685,054	---	---	M	33450
Less funds advanced in prior year	-26,600,000	-27,047,717	-27,047,717	-27,047,717	-27,047,717	-447,717	---	---	M	33500
Total, request, FY 1996	62,640,775	55,094,355	55,094,355	55,094,355	55,094,355	-7,546,420	---	---		
New advance, 1st quarter, FY 1997	27,047,717	26,155,350	26,155,350	26,155,350	26,155,350	-892,367	---	---	M	33600
PAYMENTS TO HEALTH CARE TRUST FUNDS										
Supplemental medical insurance	36,955,000	55,385,000	55,385,000	55,385,000	55,385,000	+18,430,000	---	---	M	33700
Hospital insurance for the uninsured	406,000	358,000	358,000	358,000	358,000	-48,000	---	---	M	33750
Federal uninsured payment	56,000	63,000	63,000	63,000	63,000	+7,000	---	---	M	33800
DOD adjustment	---	625,000	625,000	625,000	625,000	+625,000	---	---	M	33850
SMI lapses	---	6,737,000	6,737,000	6,737,000	6,737,000	+6,737,000	---	---	M	33900
Program management	129,758	145,000	145,000	145,000	145,000	+15,242	---	---	M	33950
Total, Payment to Trust Funds, current law	37,546,758	63,313,000	63,313,000	63,313,000	63,313,000	+25,766,242	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
PROGRAM MANAGEMENT									
Research, demonstration, and evaluation:									
Regular program, trust funds	(45,146)	(58,000)	(40,000)	(40,000)	(40,000)	(-5,146)	---	---	TF* 34150
Counseling program	(10,036)	(4,500)	---	---	---	(-10,036)	---	---	TF* 34200
Rural hospital transition demonstrations, trust funds	(17,621)	---	(13,089)	(13,089)	(13,089)	(-4,532)	---	---	TF* 34300
Essential access community hospitals, trust funds	(2,000)	---	---	---	---	(-2,000)	---	---	TF* 34350
New rural health grants	---	(2,000)	---	---	---	---	---	---	TF* 34400
Subtotal, research, demonstration, & evaluation	(74,803)	(64,500)	(53,089)	(53,089)	(53,089)	(-21,714)	---	---	
Medicare Contractors (Trust Funds)	(1,604,171)	(1,631,100)	(1,604,171)	(1,584,767)	(1,604,171)	---	---	(+19,404)	TF* 34500
State Survey and Certification:									
Medicare certification, trust funds	(145,800)	(162,100)	(147,625)	(147,625)	(147,625)	(+1,825)	---	---	TF* 34600
Proposed legislation	---	(-8,800)	---	---	---	---	---	---	NA 34650
Federal Administration:									
Trust funds	(353,374)	(396,222)	(326,053)	(326,053)	(326,053)	(-27,321)	---	---	TF* 34750
Less current law user fees	(-124)	(-128)	(-128)	(-128)	(-128)	(-4)	---	---	TF* 34800
Subtotal, Federal Administration	(353,250)	(396,094)	(325,925)	(325,925)	(325,925)	(-27,325)	---	---	
Total, Program management	(2,178,024)	(2,253,794)	(2,130,810)	(2,111,406)	(2,130,810)	(-47,214)	---	(+19,404)	
PROPOSED LEG: UNDOCUMENTED ALIENS ASSISTANCE (NON-ADD)	---	(150,000)	---	---	---	---	---	---	NA 35100
HMO LOAN AND LOAN GUARANTEE FUND	15,000	---	---	---	---	-15,000	---	---	M 35200
Total, Health Care Financing Administration:									
Federal funds	127,250,250	144,562,705	144,562,705	144,562,705	144,562,705	+17,312,455	---	---	
Current year, FY 1995 / 1996	(100,202,533)	(118,407,355)	(118,407,355)	(118,407,355)	(118,407,355)	(+18,204,822)	---	---	
New advance, 1st quarter, FY 1996 / 1997	(27,047,717)	(26,155,350)	(26,155,350)	(26,155,350)	(26,155,350)	(-892,367)	---	---	
Trust funds	(2,178,024)	(2,253,794)	(2,130,810)	(2,111,406)	(2,130,810)	(-47,214)	---	(+19,404)	

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
ADMINISTRATION FOR CHILDREN AND FAMILIES										
FAMILY SUPPORT PAYMENTS TO STATES										
Aid to Families with Dependent Children (AFDC).....	12,424,136	12,999,000	12,999,000	12,999,000	12,999,000	+574,864	---	---	M	38250
Quality control liabilities.....	-40,867	-71,121	-71,121	-71,121	-71,121	-30,254	---	---	M	38300
Payments to territories.....	19,428	19,428	19,428	19,428	19,428	---	---	---	M	38350
Emergency assistance.....	864,000	974,000	974,000	974,000	974,000	+110,000	---	---	M	38400
Repatriation.....	1,000	1,000	1,000	1,000	1,000	---	---	---	M	38450
State and local welfare administration.....	1,716,000	1,770,000	1,770,000	1,770,000	1,770,000	+54,000	---	---	M	38550
Work activities child care.....	666,000	734,000	734,000	734,000	734,000	+68,000	---	---	M	38600
Transitional child care.....	199,000	220,000	220,000	220,000	220,000	+21,000	---	---	M	38650
At risk child care.....	357,000	300,000	300,000	300,000	300,000	-57,000	---	---	M	38700
Subtotal, Welfare payments.....	16,205,697	16,946,307	16,946,307	16,946,307	16,946,307	+740,610	---	---		
Child Support Enforcement:										
State and local administration.....	1,966,000	1,943,000	1,943,000	1,943,000	1,943,000	-23,000	---	---	M	38850
Federal incentive payments.....	402,000	439,000	439,000	439,000	439,000	+37,000	---	---	M	38900
Less federal share collections.....	-1,213,000	-1,314,000	-1,314,000	-1,314,000	-1,314,000	-101,000	---	---	M	38950
Subtotal, Child support.....	1,155,000	1,068,000	1,068,000	1,068,000	1,068,000	-87,000	---	---		
Total, Payments, FY 1995 / 1996 program level...	17,360,697	18,014,307	18,014,307	18,014,307	18,014,307	+653,610	---	---		
Less funds advanced in previous years.....	-4,200,000	-4,400,000	-4,400,000	-4,400,000	-4,400,000	-200,000	---	---	M	39100
Total, Payments, current request, FY 1995 /1996.	13,160,697	13,614,307	13,614,307	13,614,307	13,614,307	+453,610	---	---		
New advance, 1st quarter, FY 1996 /1997.....	4,400,000	4,800,000	4,800,000	4,800,000	4,800,000	+400,000	---	---	M	39300

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
JOB OPPORTUNITIES AND BASIC SKILLS (JOBS).....	970,000	1,000,000	1,000,000	1,000,000	1,000,000	+30,000	---	---	M	39350
LOW INCOME HOME ENERGY ASSISTANCE										
Advance from prior year (non-add).....	(1,474,998)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(-474,998)	---	---	NA	39450
Rescission.....	-155,796	---	-100,000	-100,000	-100,000	+55,796	---	---	D	39500
FY 1996 program level.....	(1,319,202)	(1,000,000)	(900,000)	(900,000)	(900,000)	(-419,202)	---	---		
Emergency allocation (non-add).....	(600,000)	---	---	(300,000)	(300,000)	(-300,000)	(+300,000)	---	NA	39600
Advance funding (FY 1996 / 1997).....	1,000,000	1,319,204	---	1,000,000	---	-1,000,000	---	-1,000,000	D	39700
REFUGEE AND ENTRANT ASSISTANCE										
Transitional and medical services.....	258,273	278,529	263,273	263,273	263,273	+5,000	---	---	D	39900
Social services.....	80,802	80,802	80,802	80,802	80,802	---	---	---	D	39950
Preventive health.....	5,300	5,471	2,700	2,700	2,700	-2,600	---	---	D	40000
Targeted assistance.....	55,397	49,397	51,097	51,097	55,397	---	+4,300	+4,300	D	40050
Carryover (non-add).....	(7,000)	---	(10,590)	(10,590)	(10,590)	(+3,590)	---	---	NA	40055
Total, Refugee and entrant assistance.....	399,772	414,199	397,872	397,872	402,172	+2,400	+4,300	+4,300		
STATE LEGALIZATION IMPACT ASSISTANCE GRANTS:										
SLIAG rescission.....	-75,000	---	---	---	---	+75,000	---	---	D	40200
Civics and English education grants.....	4,000	---	---	---	---	-4,000	---	---	D	40250
Total, SLIAG.....	-71,000	---	---	---	---	+71,000	---	---		
CHILD CARE AND DEVELOPMENT BLOCK GRANT (delay obligation until Sept. 30, 1996).....	934,642	1,048,825	934,642	934,642	934,642	---	---	---	D	40550
SOCIAL SERVICES BLOCK GRANT (TITLE XX).....	2,800,000	2,800,000	2,520,000	2,310,000	2,381,000	-419,000	-139,000	+71,000	M	40600

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
CHILDREN AND FAMILIES SERVICES PROGRAMS										
Programs for Children, Youth, and Families:										
Head start	3,534,129	3,934,728	3,534,429	3,534,129	3,570,129	+36,000	+35,700	+36,000	D	41000
Child development associate scholarships	1,360	---	---	---	---	-1,360	---	---	D	41050
Consolidated runaway, homeless youth program	---	68,572	---	---	---	---	---	---	D	41100
Runaway and homeless youth	40,458	---	43,653	43,653	43,653	+3,195	---	---	D	41150
Runaway youth - transitional living	13,649	---	14,949	14,949	14,949	+1,300	---	---	D	41200
Runaway youth activities - drugs	14,466	---	---	---	---	-14,466	---	---	D	41250
Subtotal, runaway	68,573	68,572	58,602	58,602	58,602	-9,971	---	---		
Youth gang substance abuse	10,420	10,520	---	---	---	-10,420	---	---	D	41350
Child abuse state grants	22,854	22,854	21,026	21,026	21,026	-1,828	---	---	D	41400
Child abuse discretionary activities	15,385	15,385	14,154	14,154	14,154	-1,231	---	---	D	41450
ABCAN	288	288	---	---	---	-288	---	---	D	41500
Temporary childcare/crisis nurseries	11,835	11,835	9,835	9,835	9,835	-2,000	---	---	D	41550
Abandoned infants assistance	14,406	14,406	12,406	12,406	12,406	-2,000	---	---	D	41600
Dependent care planning and development	12,823	---	---	---	---	-12,823	---	---	D	41650
Child welfare services	291,989	291,989	277,389	268,629	277,389	-14,600	---	+8,760	D	41700
Child welfare training	4,398	4,398	2,000	2,000	2,000	-2,398	---	---	D	41750
Child welfare research	6,395	6,395	---	---	---	-6,395	---	---	D	41800
Adoption opportunities	13,000	13,000	11,000	11,000	11,000	-2,000	---	---	D	41850
Family violence	32,619	32,645	32,645	32,645	32,645	+26	---	---	D	41900
Social services research	14,961	14,961	---	---	---	-14,961	---	---	D	41950
Family support centers	7,371	---	---	---	---	-7,371	---	---	D	42000
Community Based Resource Centers	31,363	38,734	23,000	23,000	23,000	-8,363	---	---	D	42050

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Developmental disabilities program:										
State councils	70,438	70,438	40,438	64,803	64,803	-5,635	+24,365	---	D	42150
Protection and advocacy	26,718	26,718	26,718	26,718	26,718	---	---	---	D	42200
Developmental disabilities special projects	5,715	5,715	---	5,258	5,258	-457	+5,258	---	D	42250
Developmental disabilities university affiliated programs	18,979	18,979	10,000	17,461	17,461	-1,518	+7,461	---	D	42350
Subtotal, Developmental disabilities	121,850	121,850	77,156	114,240	114,240	-7,610	+37,084	---		
Native American Programs	38,382	38,461	35,000	35,000	35,000	-3,382	---	---	D	42450
Community services:										
Community Services Block Grants	389,600	391,500	389,600	389,600	389,600	---	---	---	D	42550
Homeless services grants	19,752	19,752	---	---	---	-19,752	---	---	D	42600
Discretionary funds:										
Community initiative program:										
Economic development	23,733	---	27,334	27,334	27,334	+3,601	---	---	D	42750
Rural housing 1/	---	---	---	---	---	---	---	---	D	42800
Rural community facilities	3,271	---	3,009	3,009	3,009	-262	---	---	D	42850
Farmworker assistance 1/	---	---	---	---	---	---	---	---	D	42900
Subtotal, discretionary funds	27,004	---	30,343	30,343	30,343	+3,339	---	---		
National youth sports	12,000	---	11,520	11,520	11,520	-480	---	---	D	43000
Demonstration Partnerships	601	---	---	---	---	-601	---	---	D	43050
Community Food and Nutrition	8,676	6,000	4,000	4,000	4,000	-4,676	---	---	D	43100
Subtotal, Community services	457,633	417,252	435,463	435,463	435,463	-22,170	---	---		

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Program direction	162,299	173,983	150,117	150,117	150,117	-12,182	---	---	D	43200
EBT task force	---	2,000	---	---	---	---	---	---	D	43250
Total, Children and Families Services Programs	4,874,333	5,234,256	4,694,222	4,722,246	4,767,006	-107,327	+72,784	+44,760		
VIOLENT CRIME REDUCTION PROGRAMS:										
Community schools	10,000	72,500	---	---	---	-10,000	---	---	D	43300
Community economic partnership	---	10,000	---	---	---	---	---	---	D	43350
Runaway Youth Prevention	---	7,000	5,558	5,558	5,558	+5,558	---	---	D	43400
Domestic violence hotline	1,000	400	400	400	400	-600	---	---	D	43450
Battered women's shelters	---	15,000	15,000	15,000	15,000	+15,000	---	---	D	43500
Youth education demonstration	---	400	400	400	400	+400	---	---	D	43550
Total, Violent crime reduction programs	11,000	105,300	21,358	21,358	21,358	+10,358	---	---		
FAMILY SUPPORT AND PRESERVATION	150,000	225,000	225,000	225,000	225,000	+75,000	---	---	M	43750
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE										
Foster care	3,128,023	3,749,825	3,742,338	3,742,338	3,742,338	+614,315	---	---	M	43900
Adoption assistance	399,348	488,017	509,900	509,900	509,900	+110,552	---	---	M	43950
Independent living	70,000	70,000	70,000	70,000	70,000	---	---	---	M	44000
Total, Payment to States	3,597,371	4,307,842	4,322,238	4,322,238	4,322,238	+724,867	---	---		
Total, Administration for Children and Families	32,071,019	34,868,933	32,429,639	33,247,663	32,367,723	+296,704	-61,916	-879,940		
Current year, FY 1995 / 1996	(26,671,019)	(28,749,729)	(27,629,639)	(27,447,663)	(27,567,723)	(+896,704)	(-61,916)	(+120,060)		
FY 1996 / 1997	(5,400,000)	(6,119,204)	(4,800,000)	(5,800,000)	(4,800,000)	(-600,000)	---	(-1,000,000)		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
ADMINISTRATION ON AGING										
AGING SERVICES PROGRAMS										
Grants to States:										
Supportive services and centers	306,711	306,711	291,375	291,375	300,556	-6,155	+9,181	+9,181	D	44600
Ombudsman services	4,449	4,449	---	4,449	---	-4,449	---	-4,449	D	44650
Prevention of elder abuse	4,732	6,232	---	4,732	---	-4,732	---	-4,732	D	44700
Pension counseling	1,976	1,976	---	---	---	-1,976	---	---	D	44750
Preventive health	16,982	16,982	---	15,623	15,623	-1,359	+15,623	---	D	44800
Nutrition:										
Congregate meals	375,809	375,809	364,535	364,535	364,535	-11,274	---	---	D	44900
Home-delivered meals	94,065	94,065	105,339	105,339	105,339	+11,274	---	---	D	44950
Frail elderly in-home services	9,263	9,263	9,263	9,263	9,263	---	---	---	D	45000
Grants to Indians	16,902	18,402	15,550	15,550	16,057	-845	+507	+507	D	45050
Aging research, training and special projects	25,630	45,134	---	4,991	2,850	-22,780	+2,850	-2,141	D	45100
Federal Council on Aging	176	226	---	---	---	-176	---	---	D	45150
White House Conference on Aging	3,000	500	---	---	---	-3,000	---	---	D	45200
Program administration	16,312	17,399	15,170	15,170	15,170	-1,142	---	---	D	45250
Total, Administration on Aging	876,007	897,148	801,232	831,027	829,393	-46,614	+28,161	-1,634		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
OFFICE OF THE SECRETARY										
GENERAL DEPARTMENTAL MANAGEMENT:										
Federal funds	88,150	86,162	96,439	96,439	98,439	+10,289	+2,000	+2,000	D	45450
Trust funds	(11,611)	---	---	---	---	(-11,611)	---	---	TF	45550
Portion treated as budget authority	(7,366)	(7,204)	(6,628)	(6,628)	(6,628)	(-738)	---	---	TF*	45600
Emergency preparedness 1/	---	---	---	---	---	---	---	---	D	45605
Population affairs: Adolescent family life	---	---	6,698	7,698	7,698	+7,698	+1,000	---	D	45620
Physical fitness and sports	---	---	1,000	1,000	1,000	+1,000	---	---	D	45630
Minority health	---	---	27,000	20,000	27,000	+27,000	---	+7,000	D	45640
Office of research integrity 1/	---	---	---	---	---	---	---	---	D	45650
Office of women's health	---	---	5,362	5,362	5,362	+5,362	---	---	D	45660
Office of Disease Prevention 1/	---	---	---	---	---	---	---	---	D	45675
Total, General Departmental Management:										
Federal funds	88,150	86,162	136,499	130,499	139,499	+51,349	+3,000	+9,000		
Trust funds	(18,977)	(7,204)	(6,628)	(6,628)	(6,628)	(-12,349)	---	---		
Total	(107,127)	(93,366)	(143,127)	(137,127)	(146,127)	(+39,000)	(+3,000)	(+9,000)		
OFFICE OF THE INSPECTOR GENERAL:										
Federal funds	60,748	58,889	56,333	58,492	58,492	-2,256	+2,159	---	D	46000
Trust funds	(7,862)	---	---	---	---	(-7,862)	---	---	TF	46050
Portion treated as budget authority	(20,846)	(21,048)	(17,623)	(20,670)	(20,670)	(-176)	(+3,047)	---	TF*	46100
Total, Office of the Inspector General:										
Federal funds	60,748	58,889	56,333	58,492	58,492	-2,256	+2,159	---		
Trust funds	(28,708)	(21,048)	(17,623)	(20,670)	(20,670)	(-8,038)	(+3,047)	---		
Total	(89,456)	(79,937)	(73,956)	(79,162)	(79,162)	(-10,294)	(+5,206)	---		

1/ FY 1995 funding and the FY 1996 request for this program are contained in the account for the Office of the Assistant Secretary for Health.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
OFFICE FOR CIVIL RIGHTS:										
Federal funds	18,195	17,558	16,153	16,153	16,153	-2,042	---	---	D	46500
Trust funds	(4)	---	---	---	---	(-4)	---	---	TF	46550
Portion treated as budget authority	(3,776)	(3,602)	(3,314)	(3,314)	(3,314)	(-462)	---	---	TF*	46600
Total, Office for Civil Rights:										
Federal funds	18,195	17,558	16,153	16,153	16,153	-2,042	---	---		
Trust funds	(3,780)	(3,602)	(3,314)	(3,314)	(3,314)	(-466)	---	---		
Total	(21,975)	(21,160)	(19,467)	(19,467)	(19,467)	(-2,508)	---	---		
POLICY RESEARCH	9,403	12,278	9,000	9,000	9,000	-403	---	---	D	46950
Total, Office of the Secretary:										
Federal funds	176,496	174,887	217,985	214,144	223,144	+46,648	+5,159	+9,000		
Trust funds	(51,465)	(31,854)	(27,565)	(30,612)	(30,612)	(-20,853)	(+3,047)	---		
Total	(227,961)	(206,741)	(245,550)	(244,756)	(253,756)	(+25,795)	(+8,206)	(+9,000)		
PUBLIC HEALTH & SOCIAL SERVICES EMERGENCY FUND	35,000	9,000	---	9,000	9,000	-26,000	+9,000	---	D	47250
Total, Department of Health and Human Services:										
Federal Funds	179,546,934	200,475,428	197,456,742	198,099,790	197,433,251	+17,886,317	-23,491	-666,539		
Current year, FY 1995 / 1996	(147,099,217)	(168,200,874)	(166,501,392)	(166,144,440)	(166,477,901)	(+19,378,684)	(-23,491)	(+333,461)		
FY 1996 / 1997	(32,447,717)	(32,274,554)	(30,955,350)	(31,955,350)	(30,955,350)	(-1,492,367)	---	(-1,000,000)		
Trust funds	(2,235,285)	(2,291,444)	(2,158,375)	(2,142,018)	(2,161,422)	(-73,863)	(+3,047)	(+19,404)		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
TITLE III - DEPARTMENT OF EDUCATION										
EDUCATION REFORM 1/ 2/										
Goals 2000: Educate America Act:										
State & local educ systemic improvement grants....	361,870	693,500	---	340,000	340,000	-21,870	+340,000	---	D	48050
National programs.....	---	46,500	---	---	---	---	---	---	D	48100
Parental assistance.....	10,000	10,000	---	10,000	10,000	---	+10,000	---	D	48150
Subtotal, Goals 2000.....	371,870	750,000	---	350,000	350,000	-21,870	+350,000	---		
School-to-work opportunities:										
State grants and local partnerships.....	115,625	185,000	95,000	186,000	180,000	+64,375	+85,000	-6,000	D	48300
National programs.....	6,875	15,000	---	---	---	-6,875	---	---	D	48350
Subtotal.....	122,500	200,000	95,000	186,000	180,000	+57,500	+85,000	-6,000		
Total.....	494,370	950,000	95,000	536,000	530,000	+35,630	+435,000	-6,000		

1/ Forward funded.

2/ Of the total for this account, the Senate bill delayed the availablility of $151,000,000 until October 1, 1996.

NOTE: All Education accounts are current funded unless otherwise noted.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
EDUCATION FOR THE DISADVANTAGED 1/ 2/										
Grants to local education agencies: 3/										
Basic grants, forward funded	5,968,235	5,263,363	4,946,005	5,963,591	5,982,339	+14,104	+1,036,334	+18,748	D	48700
Basic grants, current funded	---	3,500	3,500	3,500	3,500	+3,500	---	---	D	48705
Subtotal, Basic grants	5,968,235	5,266,863	4,949,505	5,967,091	5,985,839	+17,604	+1,036,334	+18,748		
Concentration grants	663,137	663,137	549,945	806,602	677,241	+14,104	+127,296	-129,361	D	48750
Targeted grants	---	1,000,000	---	---	---	---	---	---	D	48800
Setaside for BIA/outlying areas	66,984	70,000	55,550	60,194	67,268	+284	+11,718	+7,074	D	48850
Subtotal	6,698,356	7,000,000	5,555,000	6,833,887	6,730,348	+31,992	+1,175,348	-103,539		
Capital expenses for private school children	41,434	20,000	38,119	38,119	38,119	-3,315	---	---	D	49100
Even start	102,024	---	102,024	102,024	102,024	---	---	---	D	49150
State agency programs:										
Migrant	305,475	310,000	305,475	305,475	305,475	---	---	---	D	49250
Neglected and delinquent / high risk youth	39,311	40,000	35,656	35,656	39,311	---	+3,655	+3,655	D	49300
State school improvement	27,560	35,146	---	---	---	-27,560	---	---	D	49400
Demonstration of innovative practices	---	25,146	---	---	---	---	---	---	D	49450
Evaluation	3,664	11,000	3,370	3,370	3,370	-294	---	---	D	49500
Total, ESEA	7,217,824	7,441,292	6,039,644	7,318,531	7,218,647	+823	+1,179,003	-99,884		

1/ All programs in this account are forward funded with the exception of current funded basic grants, Title I evaluation, High School Equivalency Program and the College Assistance Migrant Program.

2/ Of the total for this account, the Senate bill delayed the availablility of $814,489,000 until October 1, 1996.

3/ Availability of $1,298,386,000 of the conference agreement total is delayed until October 1, 1996.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Migrant education:										
High school equivalency program	8,088	---	7,441	7,441	7,441	-647	---	---	D	49700
College assistance migrant program	2,204	---	2,028	2,028	2,028	-176	---	---	D	49750
Subtotal, migrant education	10,292	---	9,469	9,469	9,469	-823	---	---		
Total, Compensatory education programs	7,228,116	7,441,292	6,049,113	7,328,000	7,228,116	---	+1,179,003	-99,884		
Subtotal, forward funded	(7,214,160)	(7,426,792)	(6,032,774)	(7,311,661)	(7,211,777)	(-2,383)	(+1,179,003)	(-99,884)		
IMPACT AID 1/										
Basic support payments	631,707	550,000	583,011	581,170	581,707	-50,000	-1,304	+537	D	50050
Payments for children with disabilities	40,000	40,000	40,000	40,000	40,000	---	---	---	D	50100
Payments for heavily impacted districts (sec. f)	40,000	20,000	50,000	50,000	50,000	+10,000	---	---	D	50550
Subtotal	711,707	610,000	673,011	671,170	671,707	-40,000	-1,304	+537		
Facilities maintenance (sec. 8008)	---	2,000	---	---	---	---	---	---	D	50650
Payments for increases in military dep (sec. 8006)	---	2,000	---	---	---	---	---	---	D	50700
Construction (sec. 8007)	---	5,000	5,000	5,000	5,000	+5,000	---	---	D	50750
Payments for Federal property (Sec. 8002)	16,293	---	14,989	14,989	16,293	---	+1,304	+1,304	D	50850
Total, Impact aid	728,000	619,000	693,000	691,159	693,000	-35,000	---	+1,841		

1/ Figures do not include $35,000,000 provided for Impact Aid basic support payments in the 1996 House National Security Appropriations Bill.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SCHOOL IMPROVEMENT PROGRAMS 2/										
Professional development 1/	251,298	735,000	275,000	275,000	275,000	+23,702	---	---	D	51155
Program innovation 1/	347,250	---	275,000	275,000	275,000	-72,250	---	---	D	51157
Safe and drug-free schools and communities:										
State grants 1/	440,981	465,000	200,000	400,000	440,981	---	+240,981	+40,981	D	51600
National programs	25,000	35,000	---	---	25,000	---	+25,000	+25,000	D	51700
Subtotal, Safe & drug-free schools & communities	465,981	500,000	200,000	400,000	465,981	---	+265,981	+65,981		
Education infrastructure 1/	---	35,000	---	---	---	---	---	---	D	51850
Inexpensive book distribution (RIF)	10,300	10,300	10,300	10,300	10,300	---	---	---	D	51900
Arts in education	10,500	10,000	9,000	9,000	9,000	-1,500	---	---	D	51950
Law-Related Education	4,500	---	---	---	---	-4,500	---	---	D	52050
Christa McAuliffe fellowships	1,946	---	---	---	---	-1,946	---	---	D	52100

1/ Forward funded.

2/ Of the total for this account, the Senate bill delayed the availablility of $208,000,000 until October 1, 1996.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Other school improvement programs:										
Magnet schools assistance	111,519	111,519	95,000	95,000	95,000	-16,519	---	---	D	52250
Educational support services for homeless children and youth 1/	28,811	30,000	23,000	23,000	23,000	-5,811	---	---	D	52300
Women's educational equity	3,967	4,000	---	---	---	-3,967	---	---	D	52350
Training and advisory services (Civil Rights IV-A)	21,412	14,000	7,334	7,334	7,334	-14,078	---	---	D	52400
Dropout prevention demonstrations	12,000	---	---	---	---	-12,000	---	---	D	52450
Ellender fellowships/Close up 1/	3,000	---	---	2,760	1,500	-1,500	+1,500	-1,260	D	52500
Education for Native Hawaiians	9,000	9,000	12,000	12,000	12,000	+3,000	---	---	D	52550
Foreign language assistance	10,912	10,912	10,039	10,039	10,039	-873	---	---	D	52600
Training in early childhood education & violence counseling (HEA V-F)	---	9,600	---	---	---	---	---	---	D	52700
Charter schools	6,000	20,000	8,000	16,000	18,000	+12,000	+10,000	+2,000	D	52750
Subtotal, other school improvement programs	206,621	209,031	155,373	166,133	166,873	-39,748	+11,500	+740		
Technical assistance for improving ESEA programs:										
Comprehensive regional assistance centers	29,641	55,000	21,554	21,554	21,554	-8,087	---	---	D	52900
Total, School improvement programs	1,328,037	1,554,331	946,227	1,156,987	1,223,708	-104,329	+277,481	+66,721		
Subtotal, forward funded	(1,071,340)	(1,265,000)	(773,000)	(975,760)	(1,015,481)	(-55,859)	(+242,481)	(+39,721)		
VIOLENT CRIME REDUCTION PROGRAM										
FAMILY AND COMMUNITY ENDEAVOR SCHOOLS	---	31,000	---	---	---	---	---	---	D	53250

1/ Forward funded.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
BILINGUAL AND IMMIGRANT EDUCATION										
Bilingual education:										
Instructional services	117,190	155,690	100,000	100,000	128,000	+10,810	+28,000	+28,000	D	53500
Support services	14,330	15,330	---	---	---	-14,330	---	---	D	53550
Professional development	25,180	28,980	---	---	---	-25,180	---	---	D	53600
Immigrant education	50,000	100,000	50,000	50,000	50,000	---	---	---	D	53650
Total	206,700	300,000	150,000	150,000	178,000	-28,700	+28,000	+28,000		
SPECIAL EDUCATION										
State grants: 1/										
Proposed legis: Grants for Special Education	---	2,772,460	---	---	---	---	---	---	D	53950
Grants to States part ''b''	2,322,915	---	2,323,837	2,323,837	2,323,837	+922	---	---	D	54000
Preschool grants	360,265	---	360,409	360,409	360,409	+144	---	---	D	54050
Grants for infants and families	315,632	315,632	315,754	315,754	315,754	+122	---	---	D	54100
Subtotal, State grants	2,998,812	3,088,092	3,000,000	3,000,000	3,000,000	+1,188	---	---		

1/ Forward funded.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Proposed legis: Program Support and Improvement:										
Research and demonstrations	---	63,000	---	---	---	---	---	---	D	54250
Technical assistance and systems change	---	50,000	---	---	---	---	---	---	D	54300
Professional development	---	97,000	---	---	---	---	---	---	D	54350
Parent training	---	14,534	---	---	---	---	---	---	D	54400
Technology development and support	---	29,500	---	---	---	---	---	---	D	54450
Subtotal, Proposed legislation	---	254,034	---	---	---	---	---	---		
Special purpose funds:										
Deaf-blindness	12,832	---	12,832	12,832	12,832	---	---	---	D	54800
Serious emotional disturbance	4,147	---	4,147	4,147	4,147	---	---	---	D	54850
Severe disabilities	10,030	---	10,030	10,030	10,030	---	---	---	D	54900
Early childhood education	25,167	---	25,167	25,167	25,167	---	---	---	D	54950
Secondary and transitional services	23,966	---	23,966	23,966	23,966	---	---	---	D	55000
Postsecondary education	8,839	---	8,839	8,839	8,839	---	---	---	D	55050
Innovation and development	20,635	---	14,000	14,000	14,000	-6,635	---	---	D	55100
Media and captioning services	19,142	---	19,142	19,142	19,142	---	---	---	D	55150
Technology applications	10,862	---	9,993	9,993	9,993	-869	---	---	D	55200
Special studies	4,160	---	3,827	3,827	3,827	-333	---	---	D	55250
Personnel development	91,339	---	91,339	91,339	91,339	---	---	---	D	55300
Parent training	13,535	---	13,535	13,535	13,535	---	---	---	D	55350
Clearinghouses	2,162	---	1,989	1,989	1,989	-173	---	---	D	55400
Regional resource centers	7,218	---	6,641	6,641	6,641	-577	---	---	D	55450
Subtotal, Special purpose funds	254,034	---	245,447	245,447	245,447	-8,587	---	---		
Total, Special education	3,252,846	3,342,126	3,245,447	3,245,447	3,245,447	-7,399	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
REHABILITATION SERVICES AND DISABILITY RESEARCH										
Vocational rehabilitation State grants	2,054,145	2,118,834	2,118,834	2,118,834	2,118,834	+64,689	---	---	M	55750
Tech assistance to States	---	1,000	1,000	1,000	1,000	+1,000	---	---	M	55800
Client assistance State grants	9,824	10,119	10,119	10,119	10,119	+295	---	---	M	55850
Training	39,629	39,629	39,629	39,629	39,629	---	---	---	M	55900
Special demonstration programs	30,558	23,942	23,942	23,942	27,442	-3,116	+3,500	+3,500	M	55950
Migratory workers	1,421	1,421	1,421	1,421	1,421	---	---	---	M	56000
Recreational programs	2,596	2,596	2,596	2,596	2,596	---	---	---	M	56050
Protection and advocacy of individual rights	7,456	7,456	7,456	7,456	7,456	---	---	---	M	56100
Projects with industry	22,071	22,071	22,071	22,071	22,071	---	---	---	M	56150
Supported employment State grants	36,536	38,152	38,152	38,152	38,152	+1,616	---	---	M	56200
Independent living:										
State grants	21,859	21,859	21,859	21,859	21,859	---	---	---	M	56300
Centers	40,533	41,749	41,749	41,749	41,749	+1,216	---	---	M	56350
Services for older blind individuals	8,952	8,952	8,952	8,952	8,952	---	---	---	M	56400
Subtotal, Independent living	71,344	72,560	72,560	72,560	72,560	+1,216	---	---		
Evaluation	1,587	1,587	1,587	1,587	1,587	---	---	---	M	56500
Helen Keller National Center for Deaf-Blind Youths & Adults	6,936	7,144	7,144	7,144	7,144	+208	---	---	M	56600
National Institute on Disability & Rehabilitation Research	70,000	70,000	70,000	70,000	70,000	---	---	---	M	56700
Subtotal, mandatory programs	2,354,103	2,416,511	2,416,511	2,416,511	2,420,011	+65,908	+3,500	+3,500		
Assistive technology	39,249	40,426	36,109	36,109	36,109	-3,140	---	---	D	56800
Total, Rehabilitation services	2,393,352	2,456,937	2,452,620	2,452,620	2,456,120	+62,768	+3,500	+3,500		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES										
AMERICAN PRINTING HOUSE FOR THE BLIND	6,680	6,680	6,680	6,680	6,680	---	---	---	D	57150
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:										
Consolidated account	---	43,041	42,180	42,180	42,180	+42,180	---	---	D	57250
Operations	42,705	---	---	---	---	-42,705	---	---	D	57300
Endowment grant	336	---	---	---	---	-336	---	---	D	57350
Construction	150	---	---	---	---	-150	---	---	D	57400
Subtotal	43,191	43,041	42,180	42,180	42,180	-1,011	---	---		
GALLAUDET UNIVERSITY:										
Consolidated account	---	80,030	77,629	77,629	77,629	+77,629	---	---	D	57550
University programs	54,244	---	---	---	---	-54,244	---	---	D	57600
Elementary and secondary education programs	24,786	---	---	---	---	-24,786	---	---	D	57650
Endowment grant	1,000	---	---	---	---	-1,000	---	---	D	57700
Subtotal	80,030	80,030	77,629	77,629	77,629	-2,401	---	---		
Total, Special institutions for persons with disabilities	129,901	129,751	126,489	126,489	126,489	-3,412	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
VOCATIONAL AND ADULT EDUCATION 1/ 2/										
Vocational education:										
Proposed legis: State grants	---	1,141,088	---	---	---	---	---	---	D	58000
Basic State grants	972,750	---	890,000	972,750	972,750	---	+82,750	---	D	58050
Community - based organizations 3/	---	---	---	---	---	---	---	---	D	58100
Consumer and homemaking education 3/	---	---	---	---	---	---	---	---	D	58150
Tech-Prep education	108,000	---	100,000	100,000	100,000	-8,000	---	---	D	58200
Tribally controlled postsecondary vocational institutions	2,919	---	2,919	2,919	2,919	---	---	---	D	58300
State councils	8,848	---	---	---	---	-8,848	---	---	D	58350
National programs:										
Proposed legis: National programs	---	37,000	---	---	---	---	---	---	D	58450
Research	6,851	---	5,000	5,000	5,000	-1,851	---	---	D	58500
Demonstrations 3/	---	---	---	---	---	---	---	---	D	58550
National occupational information coordinating committee	4,250	---	---	---	---	-4,250	---	---	D	58650
Subtotal, national programs	11,101	37,000	5,000	5,000	5,000	-6,101	---	---		
Subtotal, Vocational education	1,103,618	1,178,088	997,919	1,080,669	1,080,669	-22,949	+82,750	---		

1/ All programs are forward funded with the exception of Tribally Controlled Postsecondary Vocational Institutions.

2/ Of the total for this account, the Senate bill delayed the availablility of $82,750,000 until October 1, 1996.

3/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Adult education:										
State activities:										
Proposed legislation: State grants.....	---	479,487	---	---	---	---	---	---	D	58950
State programs.....	252,345	---	250,000	250,000	250,000	-2,345	---	---	D	59000
Subtotal, State activities.....	252,345	479,487	250,000	250,000	250,000	-2,345	---	---		
National programs:										
Proposed legislation: National programs.....	---	11,000	---	---	---	---	---	---	D	59150
Evaluation and technical assistance.....	3,900	---	---	---	---	-3,900	---	---	D	59200
National Institute for Literacy.....	4,862	---	4,869	4,869	4,869	+7	---	---	D	59250
Subtotal, National programs.....	8,762	11,000	4,869	4,869	4,869	-3,893	---	---		
State literacy resource centers 1/.....	---	---	---	---	---	---	---	---	D	59350
Workplace literacy partnerships.....	12,736	---	---	---	---	-12,736	---	---	D	59400
Literacy training for homeless adults 1/.....	---	---	---	---	---	---	---	---	D	59450
Literacy programs for prisoners.....	5,100	---	4,346	5,100	4,723	-377	+377	-377	D	59500
Subtotal, adult education.....	278,943	490,487	259,215	259,969	259,592	-19,351	+377	-377		
Total, Vocational and adult education.....	1,382,561	1,668,575	1,257,134	1,340,638	1,340,261	-42,300	+83,127	-377		

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
STUDENT FINANCIAL ASSISTANCE										
Federal Pell Grants: Regular program 2/.....	6,178,680	6,217,125	5,423,331	4,814,000	4,914,000	-1,264,680	-509,331	+100,000	D	59900
Carryover adjustment.....	(-1,304,000)	(372,025)	(-23,331)	(1,020,000)	(869,000)	(+2,173,000)	(+892,331)	(-151,000)	NA	59905
Total, funding available for Pell Grants.....	4,874,680	6,589,150	5,400,000	5,834,000	5,783,000	+908,320	+383,000	-51,000		
Memo (non-add): Maximum grant.....	(2,340)	(2,500)	(2,440)	(2,500)	(2,470)	(+130)	(+30)	(-30)	NA	60000
Memo (non-add): Outlay effect for FY96 1/.....	---	(1,302,517)	(1,281,000)	(1,124,600)	(1,301,000)	(+1,301,000)	(+20,000)	(+176,400)	NA	60010
Benefits for participants in Operation Desert Storm (non-add).....	(3,165)	---	---	---	---	(-3,165)	---	---	NA	60100
Subtotal, Pell Grants - New BA Current law.....	6,178,680	6,217,125	5,423,331	4,814,000	4,914,000	-1,264,680	-509,331	+100,000		
Proposed legislation: Pell Grants (non-add):										
Base grants, degree candidates.....	(4,351,578)	(4,087,759)	---	---	---	(-4,351,578)	---	---	NA	60300
Increment for increase in max from $2500 to $2620.	---	(384,378)	---	---	---	---	---	---	NA	60350
Skill grants, non-degree candidates.....	(1,827,102)	(2,129,366)	---	---	---	(-1,827,102)	---	---	NA	60400
Subtotal, Proposed legis (non-add).....	(6,178,680)	(6,601,503)	---	---	---	(-6,178,680)	---	---		

1/ The House version of H.R. 3019 caps 1995 Pell Grant participation at 3,650,000 students. The Senate cap is 3,634,000 students. The Conference agreement includes the House provision.

2/ Conference includes a rescission for -$53,446,000 that is included as part of Title III in H.R. 3019.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Federal supplemental educational opportunity grants...	583,407	583,407	583,407	583,407	583,407	---	---	---	D	60525
Federal work-study.....	616,508	616,508	616,508	616,508	616,508	---	---	---	D	60550
Federal Perkins loans:										
Capital contributions.....	158,000	158,000	---	158,000	93,297	-64,703	+93,297	-64,703	D	60650
Loan cancellations.....	18,000	20,000	20,000	20,000	20,000	+2,000	---	---	D	60750
Subtotal, Federal Perkins loans.....	176,000	178,000	20,000	178,000	113,297	-62,703	+93,297	-64,703		
State student incentive grants.....	63,375	31,375	---	63,375	31,375	-32,000	+31,375	-32,000	D	60850
State postsecondary review program.....	---	25,000	---	---	---	---	---	---	D	60900
Total, Student financial assistance.....	7,617,970	7,651,415	6,643,246	6,255,290	6,258,587	-1,359,383	-384,659	+3,297		
FEDERAL FAMILY EDUCATION LOANS PROGRAM										
(EXISTING GUARANTEED STUDENT LOANS PROGRAM)										
Federal education loans: Federal administration.....	62,096	30,066	30,066	30,066	30,066	-32,030	---	---	D	61750
Total Outstanding Loan Volume (Current Law) (non-add).	(85,274,999)	(89,413,915)	(85,274,999)	(85,274,999)	(85,274,999)	---	---	---	NA	61775
Total Outstanding Loan Volume (Adm Proposal) (non-add)	(85,274,999)	(85,928,408)	(89,413,915)	(89,413,915)	(89,413,915)	(+4,138,916)	---	---	NA	61800
FEDERAL DIRECT STUDENT LOAN PROGRAM										
Mandatory administrative costs (indefinite).....	(283,565)	(550,000)	(320,000)	(460,000)	(436,000)	(+152,435)	(+116,000)	(-24,000)	NA	61900
Permanent authority (direct loan administration).....	-61,000	---	---	---	---	+61,000	---	---	D	61910
Total Outstanding Loan Volume (Current Law) (non-add).	(5,385,699)	(17,710,285)	(17,710,285)	(17,710,285)	(17,710,285)	(+12,324,586)	---	---	NA	61920
Total Outstanding Loan Volume (Adm Proposal) (non-add)	(5,385,699)	(21,195,791)	---	---	---	(-5,385,699)	---	---	NA	61930

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
HIGHER EDUCATION										
Aid for institutional development:										
Strengthening institutions	80,000	40,000	55,450	55,450	55,450	-24,550	---	---	D	62050
Hispanic serving institutions	12,000	12,000	10,800	10,800	10,800	-1,200	---	---	D	62100
Strengthening historically black colleges & univ.	108,990	108,990	108,990	108,990	108,990	---	---	---	D	62150
Strengthening historically black grad institutions	19,606	19,606	19,606	19,606	19,606	---	---	---	D	62200
Endowment challenge grants:										
Endowment grants	6,045	---	---	---	---	-6,045	---	---	D	62300
HBCU set-aside	2,015	2,015	---	---	---	-2,015	---	---	D	62350
Evaluation	1,000	---	---	---	---	-1,000	---	---	D	62400
Subtotal, Institutional development	229,656	182,611	194,846	194,846	194,846	-34,810	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Program development:										
Fund for the Improvement of Postsecondary Educ....	17,543	17,543	15,000	15,000	15,000	-2,543	---	---	D	63000
Native Hawaiian and Alaska Native Culture Arts Development.....	500	---	---	---	---	-500	---	---	D	63100
Eisenhower leadership program.....	1,080	---	---	---	---	-1,080	---	---	D	63150
Minority teacher recruitment.....	2,458	3,000	2,212	2,212	2,212	-246	---	---	D	63200
Minority science improvement.....	5,839	5,839	5,255	5,255	5,255	-584	---	---	D	63250
Community service projects.....	1,423	---	---	---	---	-1,423	---	---	D	63300
International educ & foreign language studies:										
Domestic programs.....	52,283	52,283	50,481	50,481	50,481	-1,802	---	---	D	63400
Overseas programs.....	5,790	5,790	4,750	4,750	4,750	-1,040	---	---	D	63450
Institute for International Public Policy.....	1,000	1,000	920	920	920	-80	---	---	D	63500
Subtotal, International education.....	59,073	59,073	56,151	56,151	56,151	-2,922	---	---		
Cooperative education.....	6,927	---	---	---	---	-6,927	---	---	D	63600
Law school clinical experience.....	13,222	---	5,500	5,500	5,500	-7,722	---	---	D	63650
Urban community service.....	10,000	---	9,200	9,200	9,200	-800	---	---	D	63700
Student financial aid database & info. line 1/...	---	---	---	---	---	---	---	---	D	63750
Subtotal, Program development.....	118,065	85,455	93,318	93,318	93,318	-24,747	---	---		
Construction:										
Interest subsidy grants, prior year construction..	17,512	16,712	16,712	16,712	16,712	-800	---	---	D	63900
Special grants:										
Bethune Cookman College Fine Arts Center.....	4,000	---	3,680	3,680	3,680	-320	---	---	D	64000
Federal TRIO programs.....	463,000	463,000	463,000	463,000	463,000	---	---	---	D	64050
Early intervention scholarships and partnerships..	3,108	---	3,108	3,108	3,108	---	---	---	D	64150

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Scholarships:										
Byrd honors scholarships	29,117	38,117	29,117	29,117	29,117	---	---	---	D	64400
National science scholars	3,303	---	---	---	---	-3,303	---	---	D	64450
National academy of science, space & technology 1/	---	---	---	---	---	---	---	---	D	64500
Douglas teacher scholarships	299	---	---	---	---	-299	---	---	D	64550
Olympic scholarships 1/	---	---	---	---	---	---	---	---	D	64600
Teacher corps 1/	---	---	---	---	---	---	---	---	D	64650
Subtotal, Scholarships	32,719	38,117	29,117	29,117	29,117	-3,602	---	---		
Graduate fellowships:										
Harris fellowships	10,144	---	---	---	---	-10,144	---	---	D	64800
Javits fellowships	6,845	---	5,931	5,931	5,931	-914	---	---	D	64850
Graduate assistance in areas of national need	27,252	27,252	27,252	27,252	27,252	---	---	---	D	64900
Faculty development fellowships	212	3,732	---	---	---	-212	---	---	D	64950
Subtotal, Graduate fellowships	44,453	30,984	33,183	33,183	33,183	-11,270	---	---		
School, college & university partnerships	3,893	3,893	---	---	---	-3,893	---	---	D	65050
Legal training for the disadvantaged (CLEO)	2,964	---	---	---	---	-2,964	---	---	D	65100
Total, Higher education	919,370	820,772	836,964	836,964	836,964	-82,406	---	---		

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
HOWARD UNIVERSITY										
Academic program	156,530	158,330	145,182	145,182	152,859	-3,671	+7,677	+7,677	D	65300
Endowment program:										
Regular program	3,530	3,530	---	---	---	-3,530	---	---	D	65400
Clinical law center (includes construction)	5,500	---	---	---	---	-5,500	---	---	D	65450
Research	4,614	4,614	---	---	---	-4,614	---	---	D	65500
Howard University Hospital	29,489	29,489	29,489	29,489	29,489	---	---	---	D	65550
Construction	5,000	---	---	---	---	-5,000	---	---	D	65650
Total, Howard University	204,663	195,963	174,671	174,671	182,348	-22,315	+7,677	+7,677		
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM:										
Federal administration	757	1,027	700	700	700	-57	---	---	D	65950
Loan subsidies 1/	---	---	---	---	---	---	---	---	D	66000
Loan limitation (non-add) 1/	---	---	---	---	---	---	---	---	NA	66050
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM										
Federal administration	346	166	166	166	166	-180	---	---	D	66350

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT 1/										
Research and statistics:										
Research	86,200	97,600	107,600	107,600	56,600	-29,600	-51,000	-51,000	D	66550
Regional education laboratories	---	---	---	---	51,000	+51,000	+51,000	+51,000	D	66575
Statistics	48,153	57,000	46,227	46,227	46,227	-1,926	---	---	D	66600
Assessment:										
National assessment	29,757	34,500	29,757	29,757	29,757	---	---	---	D	66700
National assessment governing board	2,995	3,500	2,880	2,880	2,880	-115	---	---	D	66750
Subtotal, Assessment	32,752	38,000	32,637	32,637	32,637	-115	---	---		
Subtotal, Research and statistics	167,105	192,600	186,464	186,464	186,464	+19,359	---	---		
Fund for the Improvement of Education	36,750	36,750	37,624	37,624	37,624	+874	---	---	D	66900
International education exchange (title VI)	3,000	3,000	5,000	5,000	5,000	+2,000	---	---	D	66950
21st century community learning centers	750	---	750	750	750	---	---	---	D	67200
Civic Education	4,463	4,463	4,000	4,000	4,000	-463	---	---	D	67250
Eisenhower professional development national activities	21,356	35,000	18,000	18,000	18,000	-3,356	---	---	D	67350
Eisenhower regional mathematics & science education consortia	15,000	15,000	15,000	15,000	15,000	---	---	---	D	67500
Javits gifted and talented education	4,921	9,521	3,000	3,000	3,000	-1,921	---	---	D	67650
National writing project	3,212	---	2,955	2,955	2,955	-257	---	---	D	67700
National Diffusion Network	11,780	14,480	---	---	---	-11,780	---	---	D	67750

1/ Of the total for this account, the Senate bill delayed the availablility of $10,000,000 until October 1, 1996.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Education technology:										
Technology for education	22,500	83,000	25,000	35,000	48,000	+25,500	+23,000	+13,000	D	68175
Star schools	25,000	30,000	23,000	23,000	23,000	-2,000	---	---	D	68200
Ready to learn television	7,000	7,000	6,440	6,440	6,440	-560	---	---	D	68250
Telecommunications demo project for mathematics	1,125	2,250	1,035	1,035	1,035	-90	---	---	D	68300
Subtotal, Education technology	55,625	122,250	55,475	65,475	78,475	+22,850	+23,000	+13,000		
Total, ERSI	323,962	433,064	328,268	338,268	351,268	+27,306	+23,000	+13,000		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
LIBRARIES										
Public libraries:										
Services	83,227	89,135	92,636	92,636	92,636	+9,409	---	---	D	68700
Construction	17,792	17,792	16,369	16,369	16,369	-1,423	---	---	D	68750
Interlibrary cooperation	23,700	---	18,000	18,000	18,000	-5,700	---	---	D	68800
Library literacy programs	8,026	---	---	---	---	-8,026	---	---	D	68850
Library education and training	4,916	---	2,500	2,500	2,500	-2,416	---	---	D	68900
Research and demonstrations	6,500	---	2,000	2,000	3,000	-3,500	+1,000	+1,000	D	68950
Total, Libraries	144,161	106,927	131,505	131,505	132,505	-11,656	+1,000	+1,000		
DEPARTMENTAL MANAGEMENT										
PROGRAM ADMINISTRATION	355,476	370,844	327,319	327,319	327,319	-28,157	---	---	D	69250
HEADQUARTERS RENOVATION 1/	---	20,000	7,000	7,000	7,000	+7,000	---	---	D	69275
Proposed leg: GI Bill savings (non-add)	---	(-1,729)	---	---	---	---	---	---	NA	69300
OFFICE FOR CIVIL RIGHTS	58,236	62,784	55,451	55,451	55,451	-2,785	---	---	D	69350
OFFICE OF THE INSPECTOR GENERAL	30,390	34,066	28,654	28,654	28,654	-1,736	---	---	D	69400
Total, Departmental management	444,102	487,694	418,424	418,424	418,424	-25,678	---	---		
Total, Department of Education	26,800,310	28,220,106	23,579,040	25,213,394	25,232,169	-1,568,141	+1,653,129	+18,775		

1/ Funds available for 3 years.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
TITLE IV - RELATED AGENCIES										
ARMED FORCES RETIREMENT HOME										
Operation and maintenance (trust fund limitation):										
Soldiers' and Airmen's Home	45,248	45,090	---	---	---	-45,248	---	---	D	70225
United States Naval Home	11,015	11,979	---	---	---	-11,015	---	---	D	70250
Consolidated account	---	---	54,017	54,017	54,017	+54,017	---	---	D	70260
Subtotal, O & M	56,263	57,069	54,017	54,017	54,017	-2,246	---	---		
Capital program (trust fund limitation):										
Soldiers' and Airmen's Home	2,500	1,483	---	---	---	-2,500	---	---	D	70325
United States Naval Home	406	568	---	---	---	-406	---	---	D	70350
Consolidated account	---	---	1,954	1,954	1,954	+1,954	---	---	D	70360
Subtotal, capital	2,906	2,051	1,954	1,954	1,954	-952	---	---		
Total, AFRH	59,169	59,120	55,971	55,971	55,971	-3,198	---	---		
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE										
Domestic Volunteer Service Programs (formerly Action):										
Volunteers in Service to America:										
VISTA operations	42,676	53,800	39,262	39,262	41,385	-1,291	+2,123	+2,123	D	70500
VISTA Literacy Corps	5,024	6,200	---	5,024	---	-5,024	---	-5,024	D	70525
Subtotal, VISTA	47,700	60,000	39,262	44,286	41,385	-6,315	+2,123	-2,901		
National Senior Volunteer Corps:										
Foster Grandparents Program	67,812	78,810	62,237	62,237	62,237	-5,575	---	---	D	70600
Senior Companion Program	31,244	43,090	31,155	31,155	31,155	-89	---	---	D	70625
Retired Senior Volunteer Program	35,708	44,500	34,949	34,949	34,949	-759	---	---	D	70650
Senior Demonstration Programs	1,000	2,000	---	---	---	-1,000	---	---	D	70675
Subtotal, Senior Volunteers	135,764	168,400	128,341	128,341	128,341	-7,423	---	---		
Program Administration	31,160	34,500	28,667	28,667	28,667	-2,493	---	---	D	70750
Total, Domestic Volunteer Service Programs	214,624	262,900	196,270	201,294	198,393	-16,231	+2,123	-2,901		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Corporation for Public Broadcasting: FY98 (current request) with FY97 comparable	260,000	296,400	250,000	250,000	250,000	-10,000	---	---	D	70825
1997 advance (non-add) with FY96 comparable	(275,000)	(315,000)	(260,000)	(260,000)	(260,000)	(-15,000)	---	---	NA	70850
1996 advance (non-add) with FY95 comparable	(285,640)	(275,000)	(275,000)	(275,000)	(275,000)	(-10,640)	---	---	NA	70900
Rescissions:										
1995 funding	-7,000	---	---	---	---	+7,000	---	---	D	70950
1996 advance funding (non-add)	(-37,000)	---	---	---	---	(+37,000)	---	---	NA	70960
1997 advance funding (non-add)	(-55,000)	---	---	---	---	(+55,000)	---	---	NA	70970
Federal Mediation and Conciliation Service	31,344	33,290	32,896	32,396	32,896	+1,552	---	+500	D	71000
Federal Mine Safety and Health Review Commission	6,200	6,467	6,200	6,200	6,200	---	---	---	D	71025
National Commission on Libraries and Information Science	901	962	829	829	829	-72	---	---	D	71150
National Council on Disability	1,793	1,830	1,793	1,793	1,793	---	---	---	D	71325
National Education Goals Panel	---	2,785	1,000	1,000	1,000	+1,000	---	---	D	71350
National Education Standards & Improvement Council	---	3,000	---	---	---	---	---	---	D	71375
National Labor Relations Board	176,047	181,134	167,245	167,245	170,743	-5,304	+3,498	+3,498	D	71400
National Mediation Board	8,519	8,933	7,837	7,837	7,837	-682	---	---	D	71425
Occupational Safety and Health Review Commission	7,595	8,127	8,100	8,100	8,100	+505	---	---	D	71450
Physician Payment Review Commission (trust funds)	(4,176)	(4,100)	(2,923)	(2,923)	(2,923)	(-1,253)	---	---	TF*	71475
Prospective Payment Assessment Commission (trust funds)	(4,667)	(4,656)	(3,267)	(3,267)	(3,267)	(-1,400)	---	---	TF*	71525

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SOCIAL SECURITY ADMINISTRATION										
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS.....	25,094	22,641	22,641	22,641	22,641	-2,453	---	---	M	71725
ADDITIONAL ADMINISTRATIVE EXPENSES 1/.....	---	10,000	10,000	10,000	10,000	+10,000	---	---	M	71750
SPECIAL BENEFITS FOR DISABLED COAL MINERS										
Benefit payments.....	712,693	660,215	660,215	660,215	660,215	-52,478	---	---	M	71800
Administration.....	5,181	5,181	5,181	5,181	5,181	---	---	---	M	71825
Subtotal, Black Lung, FY 1996 program level.....	717,874	665,396	665,396	665,396	665,396	-52,478	---	---		
Less funds advanced in prior year.....	-190,000	-180,000	-180,000	-180,000	-180,000	+10,000	---	---	M	71875
Total, Black Lung, current request, FY 1996.....	527,874	485,396	485,396	485,396	485,396	-42,478	---	---		
New advances, 1st quarter FY 1996 / 1997.....	180,000	170,000	170,000	170,000	170,000	-10,000	---	---	M	71925

1/ No-year availability for these funds related to sections 9704 & 9706 of the Internal Revenue Code of 1986.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SUPPLEMENTAL SECURITY INCOME										
Federal benefit payments	25,435,739	23,548,636	23,548,636	23,548,636	23,548,636	-1,887,103	---	---	M	71975
Beneficiary services	143,400	176,400	176,400	176,400	176,400	+33,000	---	---	M	72000
Research and demonstration	27,700	6,700	6,700	8,200	8,200	-19,500	+1,500	---	M	72025
Administration	2,042,781	1,727,098	1,727,098	1,719,098	1,719,098	-323,683	-8,000	---	D	72075
Investment proposals:										
Automation investment initiative	67,000	138,159	103,000	55,000	55,000	-12,000	-48,000	---	D	72125
Disability investment initiative	280,000	267,000	252,000	147,678	98,178	-181,822	-153,822	-49,500	D	72150
Subtotal, SSI FY 1996 program level	27,996,620	25,863,993	25,813,834	25,655,012	25,605,512	-2,391,108	-208,322	-49,500		
Less funds advanced in prior year	-6,770,000	-7,060,000	-7,060,000	-7,060,000	-7,060,000	-290,000	---	---	M	72250
Subtotal, regular SSI current year, FY 1995 / 1996	21,226,620	18,803,993	18,753,834	18,595,012	18,545,512	-2,681,108	-208,322	-49,500		
Additional CDR funding	---	---	---	---	15,000	+15,000	+15,000	+15,000	D	72265
Total, SSI, current year, FY 1995 / 1996	21,226,620	18,803,993	18,753,834	18,595,012	18,560,512	-2,666,108	-193,322	-34,500		
New advance, 1st quarter, FY 1996 / 1997	7,060,000	9,260,000	9,260,000	9,260,000	9,260,000	+2,200,000	---	---	M	72300

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
LIMITATION ON ADMINISTRATIVE EXPENSES										
OASDI trust funds	(2,357,464)	(2,689,071)	(2,684,071)	(2,687,986)	(2,684,071)	(+326,607)	---	(-3,915)	TF	72425
HI/SMI trust funds	(735,575)	(902,233)	(864,099)	(864,099)	(864,099)	(+128,524)	---	---	TF*	72450
SSI	(2,042,781)	(1,727,098)	(1,727,098)	(1,719,098)	(1,719,098)	(-323,683)	(-8,000)	---	TF	72475
Subtotal, regular LAE	(5,135,820)	(5,318,402)	(5,275,268)	(5,271,183)	(5,267,268)	(+131,448)	(-8,000)	(-3,915)		
DI disability initiative	(40,000)	(267,000)	(155,000)	(259,322)	(289,322)	(+249,322)	(+134,322)	(+30,000)	TF	72525
SSI disability initiative	(280,000)	(267,000)	(252,000)	(147,678)	(98,178)	(-181,822)	(-153,822)	(-49,500)	TF	72550
Subtotal, Disability initiative	(320,000)	(534,000)	(407,000)	(407,000)	(387,500)	(+67,500)	(-19,500)	(-19,500)		
OASDI automation	(21,283)	(218,841)	(125,000)	(112,000)	(112,000)	(+90,717)	(-13,000)	---	TF	72600
SSI automation	(67,000)	(138,159)	(103,000)	(55,000)	(55,000)	(-12,000)	(-48,000)	---	TF	72625
Subtotal, automation initative	(88,283)	(357,000)	(228,000)	(167,000)	(167,000)	(+78,717)	(-61,000)	---		
TOTAL, REGULAR LAE	(5,544,103)	(6,209,402)	(5,910,268)	(5,845,183)	(5,821,768)	(+277,665)	(-88,500)	(-23,415)		
Additional CDR funding	---	---	---	---	(60,000)	(+60,000)	(+60,000)	(+60,000)	TF	72680
TOTAL, LAE	(5,544,103)	(6,209,402)	(5,910,268)	(5,845,183)	(5,881,768)	(+337,665)	(-28,500)	(+36,585)		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
OFFICE OF INSPECTOR GENERAL										
Federal funds	2,408	6,964	4,816	4,816	4,816	+2,408	---	---	D	72725
Trust funds	(3,851)	(9,704)	(10,099)	(10,099)	(10,099)	(+6,248)	---	---	TF	72750
Portion treated as budget authority	(4,187)	(10,549)	(10,977)	(10,977)	(10,977)	(+6,790)	---	---	TF*	72775
Total, Office of the Inspector General:										
Federal funds	2,408	6,964	4,816	4,816	4,816	+2,408	---	---		
Trust funds	(8,038)	(20,253)	(21,076)	(21,076)	(21,076)	(+13,038)	---	---		
Total	(10,446)	(27,217)	(25,892)	(25,892)	(25,892)	(+15,446)	---	---		
Total, Social Security Administration:										
Federal funds	29,021,996	28,758,994	28,706,687	28,547,865	28,513,365	-508,631	-193,322	-34,500		
Current year FY 1995 / 1996	(21,781,996)	(19,328,994)	(19,276,687)	(19,117,865)	(19,083,365)	(-2,698,631)	(-193,322)	(-34,500)		
New advances, 1st quarter FY 1996 / 1997	(7,240,000)	(9,430,000)	(9,430,000)	(9,430,000)	(9,430,000)	(+2,190,000)	---	---		
Trust funds	(5,552,141)	(6,229,655)	(5,931,344)	(5,866,259)	(5,902,844)	(+350,703)	(-28,500)	(+36,585)		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
RAILROAD RETIREMENT BOARD										
Dual benefits payments account	254,000	239,000	239,000	239,000	239,000	-15,000	---	---	D	73050
Less income tax receipts on dual benefits	-19,000	-17,000	-17,000	-17,000	-17,000	+2,000	---	---	D	73075
Subtotal, Dual Benefits	235,000	222,000	222,000	222,000	222,000	-13,000	---	---		
Federal payment to the Railroad Retirement Account	300	300	300	300	300	---	---	---	M	73125
Limitation on administration:										
Consolidated account	---	(92,700)	---	(89,094)	---	---	---	(-89,094)	TF*	73175
Retirement	(73,803)	---	(73,561)	---	(73,169)	(-634)	(-392)	(+73,169)	TF*	73200
Unemployment	(17,013)	---	(17,255)	---	(16,786)	(-227)	(-469)	(+16,786)	TF*	73225
Subtotal, administration	(90,816)	(92,700)	(90,816)	(89,094)	(89,955)	(-861)	(-861)	(+861)		
Special management improvement fund	(1,638)	(659)	(659)	(659)	(659)	(-979)	---	---	TF*	73275
Total, limitation on administration	(92,454)	(93,359)	(91,475)	(89,753)	(90,614)	(-1,840)	(-861)	(+861)		
Inspector General	(6,675)	(6,700)	(5,673)	(5,673)	(5,673)	(-1,002)	---	---	TF*	73325
United States Institute of Peace	11,500	11,500	11,500	11,500	11,500	---	---	---	D	73375
Total, Title IV, Related Agencies:										
Federal Funds (all years)	30,027,988	29,857,742	29,668,628	29,514,330	29,480,927	-547,061	-187,701	-33,403		
Current year, FY 1995 / 1996	(22,527,988)	(20,131,342)	(19,988,628)	(19,834,330)	(19,800,927)	(-2,727,061)	(-187,701)	(-33,403)		
FY 1996 / 1997	(7,240,000)	(9,430,000)	(9,430,000)	(9,430,000)	(9,430,000)	(+2,190,000)	---	---		
FY 1997 / 1998	(260,000)	(296,400)	(250,000)	(250,000)	(250,000)	(-10,000)	---	---		
Trust funds	(5,660,113)	(6,338,470)	(6,034,682)	(5,967,875)	(6,005,321)	(+345,208)	(-29,361)	(+37,446)		
TITLE V										
1% Cap on performance awards (sec. 520)	---	---	---	-30,500	-30,500	-30,500	-30,500	---	D	73970

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

SEC. 101(e)

The conferees agree that House report 104–384 is to be used as the guiding document for the departments, agencies, commissions, corporations, and offices under the jurisdiction of the House and Senate subcommittees on the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies, along with House report 104–201 and Senate report 104–140. The following explanations are to be taken as clarifications or supplements to the directions contained in House report 104–384, dated December 6, 1995 and Senate report 104–236 dated March 6, 1996:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

Limits the amount of funds available for payroll costs of the Office of the Secretary to not exceed $3,206,000, instead of $2,766,000 as proposed by the House and deleting such limitation as proposed by the Senate. Deletes the salary limitations proposed by the House and stricken by the Senate for the Office of the Assistant Secretary for Policy and Planning, the Office of the Assistant Secretary for Congressional Affairs, and the Office of the Assistant Secretary for Public and Intergovernmental Affairs. The limitation of salary funds for the Office of the Secretary is the amount requested in the 1996 Budget and will support the current employment level.

CONSTRUCTION, MAJOR PROJECTS

Deletes language proposing contingent appropriations of an additional $70,100,000 for construction, major projects as proposed by the House and $16,000,000 as proposed by the Senate. The approved major construction projects are as specified in House Report 104–384, the Conference Report and Joint Explanatory Statement of the Committee of Conference on H.R. 2099.

ADMINISTRATIVE PROVISIONS

Inserts section 108 authorizing the construction of outpatient clinics in Brevard County, FL, Travis Air Force Base, CA, and Boston, MA; leases at Ft. Myers, FL and New York, NY; and a research facility at Portland, OR. The conferees urge the VA to review its options to acquire additional land for the expansion of the Camp Butler National Cemetery.

Inserts, as section 109, language designating the Walla Walla VA Medical Center as the Jonathan M. Wainwright Memorial VA Medical Center. The Senate proposed this language as a miscellaneous provision.

Deletes a miscellaneous provision as proposed by the Senate that would require the VA to develop a plan for the allocation of health care resources. This matter was addressed in amendment numbered 14 of House Report 104–384, the Joint Explanatory Statement of the Committee of Conference on H.R. 2099. The conferees note that the VA is currently developing the allocation plan.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The conferees recommend decreasing the amount appropriated for annual contributions for assisted housing in H.R. 2099, from $10,155,795,000 to $9,818,795,000. The decrease of $337,000,000 is comprised of three components. First, $69,000,000 is taken from amounts available for property disposition activities associated with selling mortgages and properties acquired or held by the Federal Housing Administration (FHA). Despite the decrease, the conferees understand the reduction will not materially impact the Department's ability to meet its statutory and policy responsibilities in disposing of these properties on a timely basis.

Second, the conferees agree to add $25,000,000 to the $233,168,000 provided for the section 811 housing program for the disabled, and to add $50,000,000 to the $780,190,000 provided for the section 202 housing program for the elderly. However, rather than spending the additional funding on new construction or acquisition of buildings, the funds must be applied to extending the contract terms of the rental assistance program.

Finally, funding for renewing expiring or terminating section 8 subsidy contracts has been reduced from $4,350,862,000 to $4,007,862,000. Though the decrease will not reduce the number of households assisted under this program from the level specified in H.R. 2099, it will reduce the term of the rental assistance contracts from two years.

H.R. 2099, the 1996 VA/HUD and Independent Agencies appropriations measure, included a provision designed to replace the Low Income Housing Preservation.

H.R. 2099, the 1996 VA/HUD and Independent Agencies appropriations measure, included a provision designed to replace the Low Income Housing Preservation and Resident Homeownership Act (LIHPRHA) with a less expensive program that avoids dependence on continuing section 8 rental subsidies while, at the same time, preserves affordable housing opportunities for low-income families.

The recently enacted Housing Opportunity Program Extension Act of 1996 incorporated the provisions of the revised preservation program contained in H.R. 2099. Due to delays, however, the calendar deadlines utilized in this legislation for filing and for funding eligibility determinations are no longer valid and must be adjusted. Therefore, the conferees have adjusted dates to conform the provisions in the Extension Act.

As a further refinement of the revised preservation program, the conferees have added a third criteria for the Department to utilize in setting appropriate rents for properties. This change will enable properties which utilize the capital loan/capital grant program to retain working families in affordable housing developments and to achieve an appropriate mix of income levels.

PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS

The conferees are aware of the urgent need to accelerate the demolition of distressed public housing developments and have agreed to provide $200,000,000 above the amount recommended in H.R. 2099 for the severely distressed public housing program. This addition increases funding for the program from $280,000,000 to $480,000,000.

The HOPE VI program was created in 1992 as a means to replace obsolete public housing developments aggressively with homes that are architecturally appealing, have lower densities, and are better suited to the needs of low-income families and their surrounding neighborhoods. In the last four years, the Department has found it necessary to refine PHA plans after awarding the grants, usually because of complicated financing associated with the construction of these developments. The formal competition process required by the Act, however, constrains HUD from being able to make changes on a timely basis. Therefore, to facilitate actual site demolition and rehabilitation, the conferees have deleted a requirement for a formal competition regarding how these funds are awarded. In place of a formal competition, HUD plans to utilize a comprehensive, merit-based selection process.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

The conference agreement permits the Secretary to waive the requirement to set-aside a portion of these funds for the youth sport program, though the activity remains an eligible activity of the program. This requirement has been burdensome for both the Department and public housing authorities to administer.

Noting the importance and need to fight crime in public housing and to create safe environments for low-income families, the conferees have decided to fully fund the Drug Elimination Grant program despite dwindling discretionary resources. There is, however, a significant crime problem that plaques the assisted housing portfolio. Unfortunately, the owners of these properties do not have access to funding from the drug elimination program. It is the opinion of the conferees that the authorizing committee should consider this problem and rectify it with appropriate legislation.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

At the request of the Secretary, the conferees agree to set-aside $50,000,000 from the community development block grant account for economic development initiatives to be made available pursuant to a competitive selection process.

ADMINISTRATIVE PROVISIONS

EXTEND ADMINISTRATIVE PROVISIONS FROM THE RESCISSION ACT

It is critical to deregulate the public and assisted housing portfolios by providing them with the greatest degree of flexibility possible, and therefore agree to expand the eligible uses of modernization funds to capital purposes.

The conferees believe that mixed-income developments, where the portion of apartments dedicated to low-income families are indistinguishable from the remaining market-rate apartments, will foster safe neighborhoods and will provide for fiscally viable developments. Therefore, the conferees recommend inclusion of several provisions designed to facilitate their creation and financing.

EMPLOYMENT LIMITATIONS

The conferees agree to increase the number of assistant secretaries to eight from the seven provided in H.R. 2099, but have retained the provisions regarding the levels of Schedule C and noncareer SES employees. HUD is directed to present a plan to the House and Senate Committees on Appropriations by September 30, 1996, that describes its reorganization strategy, including:

(1) the organizational structure, including the number of field offices, regional offices, and FHA offices;

(2) the programmatic staffing levels required to meet the needs and services identified in HUD's mission statement;

(3) the responsibilities and duties of headquarters, the field offices, regional offices and FHA offices, the services they will provide, and the level of programmatic staff necessary to carry out these functions;

(4) the relationship between Headquarters and the field offices, regional offices, and FHA offices; and

(5) the annual schedule by which the Secretary intends to reduce staff to 7,500 by the year 2002.

If the level of FTEs required to administer the programs effectively is greater than 7,500, the Secretary must justify the increase.

REPEAL OF FROST-LELAND

Although the conferees agree to repeal the Frost-Leland amendment, it was not agreed that the City of Dallas be reimbursed for expenses it incurred demolishing a public housing project in West Dallas pursuant to a court order.

FHA ASSIGNMENT PROGRAM

The conferees have amended provisions of the Balanced Budget Downpayment Act, I, which reformed the FHA Assignment Program. The first change corrects terminology included in that Act. Additionally, because of delays in enacting this appropriations measure, several dates used in the original legislation are no longer valid and have been changed. First, the effective date of the reform has been changed to the date of enactment of this legislation to prevent a circumstance where people who applied for assignment after March 15, 1996, would find the program retroactively terminated. Thirty days after enactment, HUD is required to issue regulations. The second date change allows the reforms to be utilized for all mortgages executed during fiscal year 1996 and in prior years.

CHANGES TO STATE OF NEW YORK'S COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAMS

To ensure that the CDBG Small Cities program in the State of New York is operated as efficiently as possible, the conferees agree to limit the amount of funds made available for multi-year commitments to 35 percent. Additionally, the conferees agree to provide the State of New York's HOME funds directly to the Chief Executive Officer of the State, to be used in accordance with provisions of law.

MINIMUM RENT TENANT PROTECTIONS

The conferees agree that every public housing and section 8 housing resident who receives the benefit of housing assistance should contribute at least $25 towards their rent. There may be occasions, however, where families are experiencing serious financial hardship and cannot afford even the most minimal contribution. Therefore, a provision has been added to allow the Secretary or a public housing agency to waive the minimum rent requirement to provide a transition period for affected families not to exceed three months.

The conferees have agreed to delete a provision proposed in H.R. 2099 which would have directed the transfer of fair housing enforcement responsibilities to the Department of Justice.

TITLE III—INDEPENDENT AGENCIES

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

The conferees agree to provide $45,000,000, instead of $50,000,000 as proposed by the Senate and $25,000,000 as proposed by the House. The conferees also agree to remove legislative provisions restricting the size of the staff for this effort.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

Appropriates $400,500,000 for National and Community Service Programs Operating Expenses as proposed by the Senate, instead of termination, or $383,500,000 if offsetting savings were found, as proposed by the House. The recommended amount is $69,500,000 below the 1995 level and $416,976,000 below the budget request.

The bill includes language eliminating grants to Federal agencies. This will permit all money to be directed outside of the Federal bureaucracy and should help reduce the cost per participant.

The conferees are aware of recent commitments by the Corporation to improve the management of the AmeriCorps program and reduce costs. In addition to eliminating grants to federal agencies, such actions include decreasing the reliance on federal funds by increasing the matching requirement for private funds, reminding sponsors of all prohibited activities, including lobbying and partisan political activities, improving grant reviews, and expanding efforts in program evaluation. It is the conferees' intent that the appropriating and authorizing committees will carefully monitor the Corporation's activities to ensure that the agreed to reforms are carried out and to prevent any abuses in the future.

The conferees agree to include the Sense of the Congress language proposed by the Senate. This language urges the President to nominate expeditiously a Chief Financial Officer and to implement as quickly as possible the recommendations of the independent auditors to improve the financial management of the Corporation's funds. The language also urges the Corporation to submit a reprogramming proposal for up to $3,000,000 to carry out financial management system reforms if the Chief Financial Officer determines such additional resources are needed.

OFFICE OF INSPECTOR GENERAL

Appropriates $2,000,000 for the Office of Inspector General. The conferees expect that the Inspector General will periodically report to the Congress on progress in improving the Corporation's financial management systems and in developing auditable financial statements.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

The conferees agree to a technical change to House Report 104–384 related to the Mine Waste Technology program. The science and technology account includes $3,000,000 for this program, in lieu of funding in the hazardous substance superfund account.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The conferees agree to provide $127,000,000 in addition to the amount proposed for environmental programs and management in H.R. 2099. Of this amount, the conferees agree that up to $40,000,000 is available for enforcement activities.

In 1994, under the U.S. Global Climate Change Action Plan, the Administration approached developing countries about undertaking joint activities to reduce global emissions. The joint implementation project thus established encourages partnerships between businesses and non-governmental organizations in the United States and developing countries, offering the potential to achieve greater emission reductions worldwide than would be possible with each country acting alone. Recognizing that meaningful near-term reductions in greenhouse gas emissions can only be realized through voluntary, public-private relationships such as the joint implementation program, the conferees urge that from the funds provided for the climate change action plan, the Agency provide $3,000,000 for completion of climate change country studies and development of developing country national action plans and $7,000,000 for joint implementation plan activities.

BUILDINGS AND FACILITIES

The conferees agree to provide $50,000,000 in addition to the amount proposed for buildings and facilities in H.R. 2099. This additional funding is for the first phase of construction of a new consolidated research facility at Research Triangle Park, North Carolina. The conferees agree that the total construction cost for this new research facility shall not exceed $232,000,000.

HAZARDOUS SUBSTANCE SUPERFUND

The conferees agree to provide $150,000,000 in addition to the amount proposed for hazardous substance superfund in H.R. 2099. The conferees agree that such additional funds, $100,000,000 of which become available on September 1, 1996, are for clean-up response and enforcement activities, subject to normal reprogramming guidelines. The conferees agree that $2,000,000 of this additional amount is for worker training grants under NIEHS, bringing this program to $18,500,000 for fiscal year 1996.

STATE AND TRIBAL ASSISTANCE GRANTS

The conferees agree to provide $490,000,000 in addition to the amount proposed for environmental programs and infrastructure assistance under state and tribal assistance grants in H.R. 2099. Of this additional amount, $448,500,000 is for capitalization grants, $3,500,000 is for a water distribution system grant in the South Buffalo/Kittaning area, Pennsylvania, $25,000,000 is for a special projects grant for Boston Harbor for a total of $50,000,000 in fiscal year 1996, and $13,000,000 is for a construction grant for wastewater treatment facilities in Watertown, South Dakota. Of the $448,500,000, $225,000,000 is for Safe Drinking Water State Revolving Fund capitalization grants which, added to the $275,000,000 proposed in H.R. 2099 and the $225,000,000 provided in previous appropriations acts, brings the total available for the Safe Drinking Water SRF to $725,000,000. All of these funds shall be available if authorization for such SRF is enacted prior to August 1, 1996, however, if no such authorization is enacted prior to August 1, 1996, these funds will become available for wastewater capitalization grants.

The conferees understand the Agency has convened a federal advisory committee to address water pollution issues related to wet weather. The conferees believe that EPA should take advantage of the many stakeholders concerned about stormwater at the table and use this opportunity to see if these participants can reach consensus on a simplified, environmentally protective, workable, cost-effective stormwater program for municipalities regardless of population and all entities whether or not they are already covered under the Phase I NPDES program.

Finally, the conferees note that $700,000 of funds proposed in H.R. 2099 for Manns Choice and $100,000 of funds proposed in H.R. 2099 for Taylor Township, Pennsylvania, be used for wastewater treatment facility improvements in Juniata Terrace Borough, Mifflin County, Pennsylvania ($250,000) and Curwensville Borough-Pike Township, Clearfield County, Pennsylvania ($150,000) and for combined sewer overflow improvements for Logan Township, Blair County, Pennsylvania ($400,000).

ADMINISTRATIVE PROVISIONS

The conferees have included bill language in section 304 which transfers real property located in Bay City, Michigan to the City of Bay City or another municipal entity. In addition, up to $3,000,000 of previously appropriated funds shall be provided to the recipient of such real property for necessary environmental remediation and rehabilitation costs of the property. It is the intent of the Conferees that the recipient of the property shall accept full responsibility for compliance with any applicable environmental conditions and that the Agency's liability shall terminate upon transfer.

The conferees have agreed to delete a provision proposed in H.R. 2099 which prohibited the use of funds to implement section 404(c)

of the Federal Water Pollution Control Act, as amended.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The conferees agree to provide $1,150,000 in addition to the amount proposed in H.R. 2099, for a fiscal year 1996 total of $2,150,000 for CEQ. The conferees agree that CEQ and OEQ should not augment their workforce by utilizing personnel paid for by appropriations provided to any other Federal agency or department.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

The conferees have agreed to provide $1,800,000 for the Office of Consumer Affairs. Neither the House or the Senate had included this funding in the bill.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conferees agree to provide $83,000,000 for Science, Aeronautics and Technology in addition to the amounts proposed H.R. 2099. Distribution of the additional funding is to be addressed in the NASA operating plan for fiscal year 1996 and is subject to final approval by the Committees on Appropriations of the House and Senate.

The conferees do not agree that all NASA aircraft consolidation should be held in abeyance pending the final reports of the NASA Inspector General and the General Accounting Office as proposed by the Senate. The conferees note that in a letter dated March 8, 1996, the Inspector General endorsed an alternative aircraft consolidation plan which would leave in place five aircraft currently based at Lewis Research Center, Langley Research Center, and Wallops Island. Therefore, the conferees agree that the consolidation of these aircraft should await final resolution of the issues addressed in the initial report by the NASA Inspector General with regard to consolidation savings.

The conferees are concerned with NASA's unexpected recent announcement regarding additional and accelerated personnel reductions at NASA headquarters. This announcement was made without prior consultation with the Congress. The proposed reduction is disproportionately excessive relative to the aggregate funding profile for this agency. Such substantial staffing reduction may jeopardize NASA's ability to manage adequately programs of continuing priority to the Congress and the Nation. Therefore, the conferees direct NASA to suspend immediate implementation of the administrative steps to execute this proposed reduction-in-force, pending full consideration by the Congress of the agency's budget for fiscal year 1997.

The conference agreement also includes two new administrative provisions. The first provision ensures that section 212 of Public Law 104–99 remains in effect as if enacted as part of this Act. The second new provision urges NASA to fund Phase A studies for a radar satellite initiative.

NATIONAL SCIENCE FOUNDATION

The conferees agree to provide an additional $40,000,000 for Research and Related Activities for the National Science Foundation. The effect of this adjustment is a net reduction of $140,000,000 from the budget request as compared to a reduction of $180,000,000 proposed in H.R. 2099.

TITLE V—GENERAL PROVISIONS

The conference agreement includes a general provision which supersedes section 201(b) of Public Law 104–99.

TITLE II—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

The conferees retain bill language included by the Senate to earmark funds appropriated to the Food Safety and Inspection Service for in-plant inspection personnel. The House-passed bill contained no similar provision. Providing sufficient funds to fully cover the salaries and expenses of in-plant inspections mandated by current law was the priority of Congress in the fiscal year 1996 appropriations Act. The conferees regret that it has become necessary to earmark funds for in-plant inspector salaries and expenses, but because the agency could not provide assurances that it would fulfill the intent of Congress, the conferees found this as the only alternative available.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides a supplemental appropriation of $80,514,000 for Watershed and Flood Prevention Operations to repair damages to waterways and watersheds resulting from flooding in the Pacific Northwest, the Northeast blizzards, floods, and other natural disasters instead of $73,200,000 as proposed by the House and $107,514,00 as proposed by the Senate. The conferees encourage the Department, when repairing projects with funds appropriated for Emergency Watershed and Flood Prevention Operations, to do so with the intent of minimizing future costs and flooding.

The conference agreement provides that the entire amount shall be available only to the extent that an official budget request for $80,514,000 is submitted that includes designation of the entire amount as an emergency requirement.

The conference agreement also provides that if the Secretary of Agriculture determines that the cost of land and restoration of farm structures exceeds the fair market value of affected cropland, the Secretary may use sufficient amounts ''not to exceed $7,288,000' from funds provided under this heading to accept bids from willing sellers to provide conservation easements for cropland inundated by floods, as provided for by the Wetlands Reserve Program.

CONSOLIDATED FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

The conference agreement provides a supplemental appropriation of $30,000,000 for the Emergency Conservation Program for expenses resulting from floods in the Pacific Northwest and other natural disasters as proposed by the Senate instead of $24,800,000 as proposed by the House.

The conference agreement does not include a provision proposed by the Senate that the entire amount be available subject to an official budget request from the Administration.

RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a supplemental appropriation of $5,000,000 for section 502 direct loans and $1,500,000 for section 504 housing repair loans for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, Hurricane Marilyn, and other natural disasters as proposed by the Senate. The House bill proposed a total of $6,500,000 for both section 502 direct loans and section 504 housing repair loans.

The conference agreement provides that funds be used for the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974 as proposed by the House.

The conference agreement does not include a provision proposed by the Senate that the entire amount be available subject to an official budget request from the Administration.

VERY LOW-INCOME HOUSING REPAIR GRANTS

The conference agreement provides a supplemental appropriation of $1,100,000 for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods. Hurricane Marilyn, and other natural disasters as proposed by both the House and Senate. The conference agreement does not include a provision proposed by the Senate that the entire amount be available subject to an official budget request from the Administration.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

The conference agreement provides a supplemental appropriation of $11,000,000 for direct loans and grants of the Rural Utilities Assistance Program and the Emergency Community Water Assistance Program to assist in the recovery from flooding in the Pacific Northwest and other natural disasters as proposed by the Senate. The House bill proposed separate appropriations of $5,000,000 for the Emergency Community Water Assistance Program and $6,000,000 for the Rural Utilities Assistance Program. The conference agreement also provides that funds be used for the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974 as proposed by the House.

The conference agreement does not include a provision proposed by the Senate that the entire amount be available subject to an official budget request from the Administration.

COMMODITY CREDIT CORPORATION

EMERGENCY LIVESTOCK FEED ASSISTANCE PROGRAM

The conference agreement does not provide $10,000,000 of Commodity Credit Corporation funds for cost-sharing assistance under provisions consistent with the Emergency Livestock Feed Assistance Program as proposed by the House. The Senate bill contained no similar provision. The Department has indicated that livestock producers who are eligible for cost-sharing assistance under the Emergency Livestock Feed Assistance Program will continue to be eligible for this assistance provided a valid contract for this program has been signed prior to enactment of new legislation.

SUPPLEMENTAL AND RESCISSION REQUESTS

As part of its fiscal year 1996 supplemental and rescission requests, the Administration proposed a rescission of $12,000,000 from Cooperative State Research, Education, and Extension Service, Buildings and Facilities, and supplemental requests of $2,500,000 for the U.S.-Israel Binational Agricultural Research and Development Fund program and $9,500,000 for the Food Safety and Inspection Service. The conference agreement does not include these proposals.

GENERAL PROVISIONS

The conference agreement deletes the administrative provision proposed by the Senate that would have allowed the Secretary to transfer funds provided in this Chapter between accounts included in this Chapter. The House bill contained no similar provision.

SEAFOOD SAFETY

The conference agreement provides that any domestic fish or fish product produced in

compliance with food safety standards or procedures accepted by the Food and Drug Administration shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal agency for any Federal commodity purchase program, and that the Department or other Federal agency may utilize lot inspection to establish a reasonable degree of certainty that such fish or fish product meets Federal product specifications as proposed by the Senate. The House bill contained no similar provision.

FARM LOANS

The conference agreement includes language that allows the Department of Agriculture to make or guarantee an operating or an emergency loan to a loan applicant who was less than 90 days delinquent on April 4, 1996, if the loan applicant had submitted an application for the loan prior to April 5, 1996. The recently enacted Federal Agriculture Improvement and Reform Act altered conditions under which loans could be made at the time of enactment. This provision allows those borrowers, whose application had been submitted, to complete the process. The provision also provides that no applicant may be more than 90 days delinquent.

CHAPTER 1A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

FOOD AND DRUG EXPORT REFORM

The conference agreement includes a modification of language included in both the House and Senate versions of the bill allowing the export of certain unapproved drugs, biologicals, animal drugs, and medical devices. The provision allows pharmaceuticals and medical devices not approved in the United States to be exported to any country in the world if the product complies with the laws of that country and has valid marketing authorization in one of the following countries: Australia; Canada; Israel; Japan; New Zealand; Switzerland; South Africa; or the European Union or a country in the European Economic Area. The Secretary is given authority to add countries to the list based on criteria set forth in the conference agreement.

The conference agreement also sets forth criteria upon which the Secretary may allow direct export of a drug not first approved in one of the listed countries. However, devices were not included because under current law devices may be exported to any country after the Secretary determines that the export of the device is not contrary to public health and the import is permitted into the importing country. In addition, the conference agreement sets forth conditions under which the Secretary may approve the export of a drug or device which is used for tropical diseases or other diseases not of significant prevalence in the United States. To approve an application under this section, the Secretary must find that the medical product will not expose patients to an unreasonable risk of illness or injury and that the probable health benefits outweigh the risk of injury or illness, taking into account currently available treatments and their economic accessibility.

In general, a medical product may not be exported under this provision unless it is unadulterated, accords to the specifications of the foreign manufacturer, complies with the laws of the importing country, is labeled for export, and is not sold in the U.S. The drug or device must be manufactured in substantial conformity with good manufacturing practices applicable to that specific product or else be in compliance with recognized international standards. The Secretary may prohibit exports of products which are found to pose an imminent hazard.

Any person who exports a drug or device may request the Secretary of Health and Human Services to certify in writing that the exportation is legal. A fee of up to $175 is authorized for issuance of each written export certification. The conferees intend that fees be established on a sliding scale to minimize the impact on small business.

IMPORT COMPONENTS USED FOR EXPORT

The conference agreement also allows import of certain articles, which cannot now be lawfully imported, used in the manufacture of drugs, biological products, devices, foods (including dietary supplements), food additives, and color additives if the finished products are then exported. Under this provision, importers must provide the Secretary of Health and Human Services with notification of the initial importation, maintain records of such imports, and destroy any component not used in an exported product. The agreement also allows import of certain blood and tissue products provided they comply with the Public Health Service Act requirements, or the Secretary allows such imports. The Secretary could make such a determination, for example, where a blood component is imported from a country which has laws and regulations relating to the collection and processing of blood; the products are in compliance with such requirements; the importer assures that such products are segregated from U.S. products, that contamination of equipment is prevented, and that records are maintained and made available to the Secretary to verify such assurances; and that the importer performs such tests as the Secretary may require.

PATENT EXTENSION

The conference agreement includes a provision that would extend a patent on a nonsteroidal anti-inflammatory drug. Congressional hearings held on this issue support the claims that the Food and Drug Administration took an unreasonable length of time in the approval process for this drug. The provision provides a two year extenstion.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $18,000,000 for emergency expenses related to recovery and mitigation efforts associated with flooding in the Pacific Northwest and other disasters, to remain available until expended and to be available only pursuant to an official budget request that declares the funds to be emergency. The Senate bill proposed $25,000,000 for emergency expenses resulting from flooding, and $2,500,000 to be transferred to Salaries and Expenses. The House bill contained no similar provision.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

The conference agreement includes $7,500,000 in emergency funds for the National Oceanic and Atmospheric Administration's (NOAA) ''Construction'' account. The House bill provided no funds for this purpose; the Administration request was $10,000,000. These funds are to support the immediate repair of fish hatcheries along the Columbia River which experienced severe damage from the recent flooding in the Northwest.

The conferees note that the National Marine Fisheries Service funds the Mitchell Act Hatcheries. If additional funds are needed for repairs in this instance, the conferees understand that funds are available within existing amounts at the Federal Emergency Management Administration (FEMA) and would encourage FEMA to give every consideration to applications received in relation to this flood damage.

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes no emergency funding for State Department operations to offset operating costs being incurred in Bosnia as a result of the Dayton Accords, as proposed by the Senate. The House bill included $2,000,000.

RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

The conference agreement includes no emergency funding for United States Information Agency operations to offset operating costs being incurred in Bosnia as a result of the Dayton Accords, as proposed by the Senate. The House bill included $1,000,000.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement provides $71,000,000 for subsidy costs associated with the SBA Disaster Loans Program, instead of $72,300,000 as proposed by the House and $69,700,000 as proposed by the Senate, as an emergency appropriation to remain available until expended, to allow for additional loan volume in response to declared disasters.

In addition, the conferees have included $29,000,000, for administrative expenses under this account, instead of $27,700,000 as proposed by the House and $30,300,000 as proposed by the Senate, as an emergency appropriation to remain available until expended, to support SBA's disaster activities in response to declared disasters.

The conferees are concerned about the manner in which SBA budgets for, and administers, disaster assistance funds. The conferees are disturbed that during development of the supplemental funding requirements, SBA identified $79,000,000 in unspent prior year funding not previously known to SBA. In addition, SBA indicated a shortfall in disaster administrative expenses, even though the conferees had already fully funded SBA's request for these expenses. The conferees expect disaster funding to be used only for the purpose for which it was provided, and to accurately budget for and administer these funds.

Therefore, the conferees direct the SBA to provide, not later than May 30, 1996, a report to the House and Senate Appropriations Committees on the obligation of administrative expenses funding to date in fiscal year 1996, and to provide an updated report on August 15, 1996. These reports should identify the following: (1) each headquarters' office receiving administrative funding, the total funding provided, and the number of FTE supported: (2) the total funding and FTE (permanent and temporary) provided to each field location, the date the field location was established, the expected duration of employment for temporary employees for each location, and the expected termination date for each location; and (3) the total loan volume by location.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement includes language contained in section 3007 of the Senate bill to permit the Secretary of the Army to utilize funds previously appropriated for the St. Louis Harbor, Missouri, project for the Upper Mississippi River and Illinois Waterway navigation study. The conferees agree that they will work to restore funds to the St. Louis Harbor project in the future as needed.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement includes $30,000,000, the same as the budget request, for the repair of damages to Corps of Engineers projects caused by severe flooding in the Northeast and Northwest as proposed by the House and the Senate. The conferees have also agreed to adopt the language contained in the House bill.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement includes $135,000,000, the same as the budget request and the amount proposed by the House and the Senate, for the Corps of Engineers to repair damage to non-Federal levees and other flood control works located in states affected by the Northeast and Northwest floods of 1996 and other natural disasters, and to replenish funds transferred from other accounts for emergency work pursuant to the authority of the Secretary of the Army contained in Public Law 84–99. The conferees have also agreed to adopt the language contained in the House bill.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

The conference agreement includes $9,000,000, the same as the budget request and the amount proposed by the House and the Senate, for the Bureau of Reclamation to continue emergency repairs at Folsom Dam in California. The conferees have also agreed to delete funding requested by the President and proposed by the Senate for the payment of claims associated with flooding in March of 1995 in California's San Joaquin Valley.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

The conference agreement includes an additional $15,000,000 to accelerate activities in the Materials Protection, Control and Accounting program to improve facilities and institute national standards to secure stockpiles of weapons usable fissible materials in Russia and the Newly Independent States. No similar provision was included in the House bill, the Senate bill, or the budget request.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(TRANSFER OF FUNDS)

The conference agreement provides for the transfer of $5,500,000 from this account to the account ''Operation and Maintenance, Alaska Power Administration'', as proposed by the House bill and budget request, only for necessary termination expenses of the Alaska Power Administration. The Senate bill did not contain this provision.

FEDERAL ENERGY REGULATORY COMMISSION

The conference agreement deletes language contained in section 3017 of the Senate bill providing for a limited waiver of annual charges for the Flint Creek Project in Montana.

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS FOR DEFENSE OF ISRAEL AGAINST TERRORISM

The conference agreement provides $50,000,000 for emergency expenses necessary to meet unanticipated needs for the acquisition and provision of goods, services, and/or grants for Israel necessary to support the eradication of terrorism in and around Israel as proposed by the Senate. The conferees further agree that none of the funds appropriated in this paragraph shall be made available except through the regular notification procedures of the Committee on Appropriations. The conferees expect the aid to be provided consistent with information transmitted to the Committees on Appropriations in a classified document on March 25, 1996. The House bill contained no similar provision.

MILITARY ASSISTANCE

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement provides $70,000,000 for grant Foreign Military Financing for Jordan as proposed by both the House and Senate. The conference agreement also provides that such funds may be used for Jordan to finance transfers by lease of defense articles under chapter 6 of the Arms Export Control Act. These funds will be used to support the transfer of 16 F–16 fighter aircraft to the Government of Jordan. The conferees also note that the overall downsizing of the U.S. defense industry is costing thousands of American defense-related jobs. The conferees therefore direct the Department of Defense to give priority consideration to American defense firms in awarding contracts for upgrades and other major improvements to these aircraft prior to their delivery to the Government of Jordan.

CHAPTER 5

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

Agency Priorities. The managers have not agreed to statutory language, proposed by the Senate in section 1203 of Title II, chapter 12, which would have mandated the allocation of emergency supplemental funds based on agency prioritization processes. The managers understand that the initial estimates of emergency requirements that have been provided are based on very preliminary information and that those initial estimates, because of time constraints, may not have included every project which needs to be addressed. The managers expect each agency to develop on-the-ground estimates of all its natural disaster related needs and to address these needs consistent with agency priorities.

Contingent Appropriations. The availability of those portions of the appropriations detailed in this chapter that are in excess of the Administration's budget request for emergency supplemental appropriations are contingent upon receipt of a budget request that includes a Presidential designation of such amounts as emergency requirements as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION AND ACCESS

An additional $5,000,000 in emergency supplemental appropriations for Construction and Access is made available as proposed by the Senate instead of $4,242,000 as proposed by the House. Of this amount, $758,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

An additional $35,000,000 in emergency supplemental appropriations for Oregon and California Grant Lands is made available as proposed by the Senate instead of $19,548,000 as proposed by the House. Of this amount, $15,452,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

An additional $1,600,000 in emergency supplemental appropriations for Resource Management is made available as proposed by the Senate instead of no funding as proposed by the House. The entire amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

An additional $37,300,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $20,505,000 as proposed by the House. Of this amount, $16,795,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The managers have neither agreed to bill language, proposed by the Senate, earmarking specific funds for Devils Lake, ND nor to report language earmarking funds for other locations. The Service should carefully consider the needs at Devils Lake, ND and at Kenai, AK as it allocates funds.

NATIONAL PARK SERVICE

CONSTRUCTION

An additional $47,000,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $33,601,000 as proposed by the House. Of this amount, $13,399,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

An additional $2,000,000 in emergency supplemental appropriations for Surveys, Investigations, and Research is made available as proposed by the Senate instead of $1,176,000 as proposed by the House. Of this amount, $824,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 6

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conference agreement includes an additional $37,500,000 for the NATO Security Investment Program, as provided in both the

House and Senate bills. In addition, the conference agreement includes rescissions totaling $37,500,000 to offset this additional appropriation, as explained in Title III of this report.

GENERAL PROVISION

The conferees agree to language proposed by the Senate which gives the Secretary of the Army discretionary authority to convey approximately five acres of land in Hale County, Alabama. The House bill contained no similar provision.

CHAPTER 7

DEPARTMENT OF DEFENSE—MILITARY SUPPLEMENTAL APPROPRIATIONS

The House recommended a total of $782,500,000, designated as emergency appropriations pursuant to the Budget Act, for additional incremental U.S. military costs associated with the Bosnia operation, including the NATO-led Peace Implementation Force (IFOR) and Operation Deny Flight. The Senate recommended $777,700,000 in new appropriations, none of which were designated emergency. The House and Senate each fully offset their respective supplemental funding through rescissions of funds previously provided in Department of Defense Appropriations Acts.

The conference agreement provides a total of $820,000,000, all designated as emergency appropriations. This amount is fully offset by rescissions contained in Title III, Chapter 6 of the conference agreement. A summary of the conference agreement by appropriations account is as follows:

[Dollars in thousands]

Account	Request	House	Senate	Conference
Military Personnel:				
Army	244,400	262,200	244,400	257,200
Navy	11,700	11,800	11,700	11,700
Marine Corps	2,600	2,700	2,600	2,600
Air Force	27,300	33,700	27,300	27,300
Total	286,000	310,400	286,000	298,800
Operation and Maintenance:				
Army	48,200	235,200	195,000	241,500
Marine Corps	900	900	900	900
Air Force	141,600	130,200	190,000	173,000
Defense-wide	79,800	79,800	79,800	79,800
Total	270,500	446,100	465,700	495,200
Procurement:				
Other Procurement, Air Force	26,000	26,000	26,000	26,000
Grand Total	582,500	782,500	777,700	820,000

MILITARY PERSONNEL

The conference agreement recommends a total of $298,800,000 for costs of active and reserve military personnel pay and allowances. The conferees believe they have met the most urgent military personnel requirements for the Bosnia operation, and expect the Department to keep the Committees on Appropriations advised of any revisions to these estimates.

OPERATION AND MAINTENANCE

The Department of Defense requested a total of $270,500,000 for operation and maintenance to fund the incremental costs of U.S. participation in the NATO-led Bosnia Peace Implementation Force (IFOR). The conferees recommend $495,200,000, an increase of $224,700,000 above the supplemental request, to provide for additional requirements of the Army and the Air Force.

PROCUREMENT

COMPOSITE SHAFT FAIRWATERS

The Department of Defense Appropriations Act for Fiscal Year 1996 contained $3,000,000 in ''Other Procurement, Navy'' for procurement of composite shaft fairwaters for CG–47 cruisers. The Navy recently conducted testing of composite shaft fairwaters and demonstrated extended life, reduced maintenance, and improved capability for removing fairwaters while a ship is waterborne. The Navy concluded, however, that the most-cost effective approach is to incorporate this new technology into Aegis destroyers while under construction rather than to retrofit Aegis cruisers. The conferees therefore direct the Under Secretary of Defense (Comptroller) to submit a fiscal year 1996 transfer of $3,000,000 from ''Other Procurement, Navy'' to Shipbuilding and Conversion, Navy'' using standard reprogramming procedures.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

BALLISTIC MISSILE DEFENSE MANAGEMENT AND SUPPORT

The conferees note that a total increase to the budget of $528,939,000 was provided for Ballistic Missile Defense programs in the Department of Defense Appropriations Act, 1996. This total included a recommendation contained in the National Defense Authorization Act, 1996, which cut $30,000,000 from the Ballistic Missile Defense Organization's (BMDO) Program Management and Support program element.

In executing the additional tasks and responsibilities required by the fiscal year 1996 program funding increases, it has become clear that the burden on the BMDO Program Management and Support program element has actually increased. To minimize this impact, Congressional action to date in proposed reprogrammings and rescissions has rejected the application of any inflation reductions to BMDO accounts. This bill includes a provision which further prohibits the application of any portion of the proposed inflation reductions against BMDO program elements.

However, these restorations still leave BMDO with the challenge of managing activities in the appropriate program elements Therefore, the conferees hereby restore the $30,000,000 reduction made to the Program Management and Support program element. BMDO shall internally manage this restoration by reallocating funds preciously identified as excess because of decreased inflation estimates. The inflation decreases shall be applied proportionally to each BMDO RDT&E program element and project. The Director, BMDO, shall provide the congressional defense committees a statement detailing the specific decreases as applied to all program elements.

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

The conferees direct that $500,000 of the funds provided for the Defense Advanced Research Projects Agency may be available to purchase photographic technology to support research in detonation physics. The director of Defense Research and Engineering shall provide the congressional defense committees with a plan for the acquisition and use of this instrument no later than may 29, 1996.

JOINT DOD–DOE MUNITIONS TECHNOLOGY DEVELOPMENT

The conferees direct that $2,000,000 of the fiscal year 1996 funds allocated to the Joint DOD–DOE Munitions Technology Development program element shall be used to develop and test an open-architecture machine tool controller.

ELECTRONIC COMMERCE RESOURCE CENTERS

The FY 1996 Defense Appropriations conference agreement directed the transfer of the managerial responsibility for the Electronic Commerce Resource Centers program to the Defense Logistics Agency. Information from the Department has subsequently come to the conferees' attention indicating that the next implementation stage for this program can best be accomplished under the direction of Deputy Under Secretary of Defense for Logistics. The conferees endorse such action and direct that a transfer of ECRC managerial responsibility to the Deputy Under Secretary of Defense for Logistics be accomplished expeditiously under the overall program guidance expressed in the FY 1996 Defense Appropriations conference report.

GENERAL PROVISIONS

GENERAL TRANSFER AUTHORITY

Section 2701 of the conference agreement amends both House and Senate provisions regarding the amount of additional transfer authority provided under Section 8005 of the Department of Defense Appropriations Act for Fiscal Year 1996, by providing $700,000,000 in additional transfer authority. The conferees direct that the additional transfer authority provided herein shall be available only to the extent funds are transferred, or have been transferred during the current fiscal year to cover costs associated with United States military operations in support of the NATO-led Peace Implementation Force (IFOR) in and around the former Yugoslavia.

F–15E AIRCRAFT

The conference agreement includes a technical amendment (Section 2702) requested by the Department of Defense and contained in the Senate bill, which is needed to permit the obligation of funding which was both authorized and appropriated in fiscal year 1996 for the procurement and advance procurement of F–15E aircraft.

C–17 MULTIYEAR PROCUREMENT

The conferees strongly support the multiyear procurement of eighty C–17 advanced transport aircraft and have agreed to bill language (Section 2703) authorizing the Air Force to begin a seven-year multiyear program.

However, the conferees also agree that additional savings potentially can be generated from an accelerated multiyear procurement of the C–17 over six program years. Therefore, Section 2703 also directs the Secretary of Defense to enter into negotiations with the C–17 aircraft and engine prime contractors for contract alternatives for multiyear procurement over a six-year period.

The conference agreement prevents the exercise of the multiyear authority until the Secretary of Defense certifies that the Air Force will save more than 5 percent in the price for eighty C–17 aircraft under a multiyear contract as compared to annual lot procurement. The savings must exceed the total amount of $895.3 million shown in the ''Multiyear Procurement Criteria Program: C–17'' document submitted to the Appropriations Committees on February 29, 1996.

In calculating the savings from the multiyear proposals, the conferees direct that the weapon system budget estimates submitted with the C–17 multiyear procurement exhibits be used as the baseline. The conferees also direct that in conjunction with the certification required by section 2703(c) of the C–17 multiyear bill language, the Secretary of Defense shall submit a new multiyear justification exhibit package which reflects the additional savings achieved over the original multiyear proposal submitted by the Administration.

The conferees believe that the seven-year authority should enable the Air Force to generate savings significantly in excess of the $895.3 million reflected in the original multiyear proposal. It is the conferees' intent that the additional savings should be realized from multiyear contracts currently being negotiated. In addition, the conferees believe that a six-year multiyear plan has the potential to generate even greater savings.

The conferees also agree to provisions delaying the exercise of the multiyear authority to the earlier of May 24, 1996, or the day

after enactment of a subsequent Act authorizing entry into a C–17 multiyear contract. The Secretary of Defense also is required to provide a detailed program plan for a six-year multiyear procurement by May 24, 1996.

SEMATECH

Section 2704 of the conference agreement amends a Senate amendment and provides $50,000,000 for SEMATECH. This amount is fully offset by rescissions in Title III, Chapter 6 of the conference report.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

The conference agreement includes Section 2705, as proposed by the Senate, which provides authority to transfer up to $15,000,000 in support of specific activities associated with humanitarian assistance activities related to landmines.

ENVIRONMENTAL RESTORATION ACTIVITIES

Section 2706 of the conference agreement amends a Senate provision making $15,000,000 of ''Operation and Maintenance, Army'' funding available in order to complete the Army's remaining environmental remediation activities in recognition of its 1988 agreement with National Presto Industries, Inc.

DISCHARGE OF HIV-POSITIVE SERVICEMEMBERS

Section 2707 of the conference agreement includes a Senate provision regarding the discharge of HIV-positive servicemembers.

B–52 FORCE STRUCTURE

Section 2708 of the conference agreement amends a Senate provision and adds $44,900,000 to ''Operation and Maintenance, Air Force'' for the operation and maintenance of 94 B–52H bomber aircraft in active status or in attrition reserve. This amount is fully offset by rescissions in Title III, Chapter 6 of the conference report. The conferees express their intent to not recommend additional funding for B–52 aircraft in excess of the Air Force's stated requirements unless the Air Force revises its bomber force inventory estimates.

MINE COUNTERMEASURES

Section 2709 of the conference agreement includes an additional $10,000,000 for Shallow Mine Countermeasure Demonstrations. This restores a general reduction made to this account earlier in fiscal year 1996. These additional funds are fully offset by rescissions in Title III, Chapter 6 of the conference report. The conferees believe the navy has recently presented a more compelling strategy for developing countermine warfare technology centered around a joint exercise with Army, Navy, and Marine Corps forces of the U.S. Atlantic Command in 1998. The additional funds provided in the conference agreement will enable the Navy to test a number of promising technologies that would otherwise miss the 1998 exercise completely or else be demonstrated at less than full scale. The Navy has indicated that it plans to use $5,000,000 to allow the Advanced Lightweight Influence Sweep System to be tested in the 1998 exercise with a full scale magnet, and $5,000,000 would be used for the Explosive Neutralization Advanced Technology Demonstration and Advanced Degaussing.

ARMY MEDICAL RESEARCH

Section 2710 of the conference agreement transfers $8,000,000 of previously appropriated ''Defense Health Program'' funds to the ''Research, Development, Test and Evaluation, Army'' account in order to continue research of neurofibromatosis. The Army has an ongoing successful research program in this area. This makes a technical clarification to the designation for this activity in the Fiscal Year 1996 Defense Appropriations conference agreement and involves no additional funds.

COUNTER-DRUG SUPPORT

Section 2711 of the conference agreement authorizes the Department to make grants to local counternarcotic task forces in a high crime, low income area under its Counter Drug program to provide Kevlar vests for enhanced personal protection.

HAVE GAZE

In section 2712 the conferees have recommended language to clarify Section 8105 of Public Law 104–61 with respect to the use of fiscal year 1995 funds appropriated for this Air Force RDT&E program.

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes language that limits obligations from the airport and airway trust fund to $22,600,000 for payments to air carriers, as proposed by the Senate. The House bill contained no similar provision.

This limitation permits the obligation of general fund carryover balances to pay outstanding commitments in fiscal year 1996.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAY

(HIGHWAY TRUST FUND)

The conference agreement appropriates $300,000,000 for the emergency fund to cover expenses resulting from the flooding in the Mid-Atlantic, Northeast, and Northwest states, and other disasters, as proposed by the Senate instead of $267,000,000 as proposed by the House.

The conference agreement waives the provisions of 23 U.S.C. 125(b)(1), which limit obligations to a single state resulting from a single natural disaster to $100,000,000, as proposed by the Senate. The House bill contained no similar provision.

FEDERAL RAILROAD ADMINISTRATION

LOCAL RAIL FREIGHT ASSISTANCE

The conference agreement deletes the Senate appropriation of $10,000,000 to repair and rebuild rail lines of other than class I railroads damaged as a result of the floods of 1996. The House bill contained no similar appropriation.

FEDERAL TRANSIT ADMINISTRATION

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement includes an appropriation of $375,000,000 to liquidate contract authority obligations for mass transit capital programs as proposed by both the House and Senate.

RELATED AGENCIES

PANAMA CANAL COMMISSION

PANAMAA CANAL REVOLVING FUND

The conference agreement increases the limitation on administrative expenses of the Panama Canal Commission by $2,000,000, to be derived from the Panama Canal revolving fund, as proposed the House. The Senate bill contained no similar provision.

GENERAL PROVISIONS

The conference agreement deletes the Senate provision that allows $3,250,000 of the Federal Transit Administration's discretionary grants program for Kauai, Hawaii, to be used for operating expenses. The House bill contained no similar provision.

The conference agreement includes a provision that requires the Federal Highway Administration to make available up to $28,000,000 in federal-aid obligation limitation to the State of Missouri to make obligations for construction of a new bridge in Hannibal, Missouri, from limitation set asides for discretionary programs or limitation on general operating expenses for fiscal year 1996. The provision further requires restoration of that limitation before any funds made available for the August redistribution prescribed in section 310 of Public Law 104–50 may be distributed. This provision shall not affect the federal-aid bonus limitation provided by section 310. The Senate bill contained a provision that advances emergency relief funds to the State of Missouri for the replacement in kind of the Hannibal bridge on the Mississippi River. The House bill contained no similar provision.

The conference agreement includes a provision that permits the state of Vermont to use up to $3,500,000 of the discretionary grants identified in the conference agreement accompanying Public Law 104–50 provided to the state and the marble Valley Regional Transit District for improvements to support commuter rail operations on the Clarendon-Pittsford rail line between White Hall, New York, and Rutland, Vermont. The Senate bill allowed the State of Vermont to obligate funds apportioned to the state under the surface transportation and congestion mitigation and air quality improvement programs for railroad capital and/or operating expenses. The House bill contained no similar provision.

The conference agreement includes language that provides the administrator of the Federal Aviation Administration discretion to take into consideration unique circumstances in the State of Alaska when making certain changes to specified regulations, effective until June 1, 1997. The House and Senate bills contained no similar provision.

The conference agreement includes a provision that specifies that the unobligated funds provided for the Chicago central area circulator project in Public Law 103–122 and Public Law 103–331 be available only for constructing a 5.2-mile light rail loop within the downtown Chicago business district as described in the full funding grant agreement signed on December 15, 1994, and shall not be available for any other purpose. The House and Senate bills contained no similar provision.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

Deletes provision proposed by the Senate as part of the Administration's initiative to combat middle eastern terrorism, which included $3,000,000 for the Office of Foreign Assets Control.

UNITED STATES CUSTOMS SERVICE

CUSTOMS SERVICES AT SMALL AIRPORTS

Deletes provision in P.L. 104–52 capping collections for Customs services at small airports at $1,406,000 as proposed by the House. The Senate had no comparable provision.

INTERNAL REVENUE SERVICE

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Amends P.L. 104–52 by adding a new provision which sets a floor on the level of service, staffing, and funding for IRS taxpayer service operations as proposed by the House. The Senate had no comparable provision.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

Provides that $1,000,000 of the amounts available to the Counter-Drug Technology

Assessment Center shall be used for conferences on model State drug laws as proposed by the House. The Senate had no comparable provision.

Appropriates an additional $3,400,000 for the salaries and expenses of the Office of National Drug Control Policy as requested by the Administration, instead of no additional funding as proposed by the House and $3,900,000 as proposed by the Senate. This will provide resources for an additional 80 full-time equivalent positions and overhead expenses for 30 military detailees, raising the complement of ONDCP to 154 positions by the end of the fiscal year.

ONDCP has a strategic mission: to aid and oversee operational agencies in coordinating the national drug control policy. The Congress never intended ONDCP to become an operational entity, but instead to formulate, direct, and oversee the implementation of the annual drug control strategy using the expertise of line agencies. The conferees are concerned that a rapid expansion in staffing that is not carefully thought out will result in ONDCP duplicating the functions of already existing programs and agencies.

To ensure that this does not occur, the conferees direct the Director of ONDCP to submit a detailed staffing plan to the House and Senate Committees on Appropriations within 30 days of enactment of this legislation. Such plan shall include an organizational chart, a detailed description of the function of each component of the office, and a detailed description of the duties associated with each position.

GENERAL PROVISIONS

COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE

Includes a provision which increases, by four, the membership of the Commission on Restructuring the Internal Revenue Service as proposed by the Senate. The House had no comparable provision.

CHAPTER 10

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

The Conferees agree to provide $50,000,000 for the Department of Housing and Urban Development Community Development Block Grant Program for emergency activities related to recent Presidentially declared flood disasters.

FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes language allowing up to $104,000,000 by transfer from the disaster relief account to the disaster assistance direct loan program account for the cost of direct loans as authorized by section 417 of the Stafford Act. Language is included which limits community disaster loan authority to $119,000,000, requires that the Director of FEMA certify that the provisions of section 417 of the Stafford Act will be complied with and requires that the entire amount of this transfer is available only to the extent that an official budget request for a specific dollar amount is forwarded to the Congress. The Conferees fully expect that these terms be complied with in an expeditious manner so as to release necessary loan funds to meet known emergency disaster needs of the Virgin Islands.

GENERAL PROVISIONS

WAIVER OF STATUTES OR REGULATIONS FOR ASSISTANCE

The conference agreement retains a provision proposed by the Senate allowing the Secretary of any department to waive any statute or regulation that the Secretary administers in connection with the obligation of funds for domestic assistance. The Secretary may also specify alternative requirements to the statutes or regulation being waived. Civil rights, fair housing and nondiscrimination, the environment, and labor standards statutes and regulations could not be waived. The Secretary must find that the waiver is required to facilitate the obligation of the assistance and would not be inconsistent with the statue or regulation being waived. The House bill contained no similar provision.

This provision has been included in past disaster appropriations bills. The managers expect this provision to be implemented in a manner similar to past practices and only in those cases where not waiving the statutes or regulations would cause unnecessary and significant delays in assistance.

PRIORITIES OF ALLOCATION OF EMERGENCY FUNDS

The conference agreement deletes a provision proposed by the Senate that funds for emergency or disaster assistance programs for USDA, HUD, EDA, SBA, the National Park Service and the U.S. Fish and Wildlife Service could be allocated in accordance with the prioritization process of the respective department. The House bill contained no similar provision.

In developing this conference agreement, the managers have carefully developed the priority considerations for funding the various activities included in it. For the most part, there are no restricting allocations imposed in this conference agreement on the funding provided for disaster assistance. Priorities on allocations have only been imposed where specific concerns needed to be addressed. Because these matters were addressed on a case by case basis, the general provision has been deleted.

DISASTER ASSISTANCE OFFSETS

The conference agreement deletes a provision proposed by the Senate that the conference agreement should include sufficient reductions and savings to offset the funding provided for disaster assistance. The House bill, which did include offsets for disaster funding, contained no similar provision. Since this conference agreement does include the necessary offsets, this provision has been complied with and is no longer necessary.

BUDGET TREATMENT OF DISASTER ASSISTANCE

The conference agreement deletes a provision proposed by the Senate to have Congress address the manner in which disaster assistance is provided and develop a long-term funding plan for the budget treatment of disaster assistance funding. The House bill contained no similar provision.

This matter has been reviewed several times, and the managers agree that another review and analysis would only delay any decision on possible changes in how the budget treatment of these type appropriations is handled. The conferees agree that the results of previous analyses should be considered as future budget resolutions are developed to see if any changes might be warranted.

RESTRICTION ON EXPENDITURES

The conference agreement deletes a provision proposed by the Senate that would have restricted non-defense expenditures to certain fixed amounts if the funds in this conference agreement and other previous Acts would cause these amounts to be exceeded. The House bill contained no similar provision.

Because the funding included in this conference agreement is either within the spending limits or is offset herein, this provision is no longer necessary.

ADDITIONAL SUPPLEMENTAL APPROPRIATIONS

On April 12, 1996, the President forwarded to the Congress a supplemental appropriations request for various counter-drug programs. The conferees express their intent to fund these additional requirements in the fiscal year 1997 appropriations process.

TITLE III.—RESCISSIONS AND OFFSETS

CHAPTER 1

ENERGY AND WATER DEVELOPMENT

SUBCHAPTER A—UNITED STATES ENRICHMENT CORPORATION PRIVATIZATION

The conference agreement includes language contained in the Senate bill authorizing the Board of Directors of the United States Enrichment Corporation to transfer the interest of the United States in the United States Enrichment Corporation to the private sector.

SUBCHAPTER B—BONNEVILLE POWER ADMINISTRATION REFINANCING

The conference agreement includes language contained in section 3003 of the Senate bill regarding refinancing of Bonneville Power Administration debt.

CHAPTER 2

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

The conference agreement rescinds $42,000,000 of the unobligated balances available under this heading instead of $41,000,000 as proposed by the House. The Senate had proposed a rescission of $25,000,000 from funds made available under this heading in Public Law 104–107.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF ENERGY

STRATEGIC PETROLEUM RESERVE

The managers have agreed to sell $227,000,000 worth of oil from the Weeks Island site of the Strategic Petroleum Reserve (SPR). The Weeks Island site in Louisiana is currently being decommissioned and the oil is being relocated to other SPR locations because of a water intrusion problem. This sale is proposed to offset partially additional funding provided for high priority education programs identified by the Administration. To pay for decommissioning of the site, 5.1 million barrels of the 70 million barrels of Weeks Island oil have already been sold in fiscal year 1996. An additional 12 million to 15 million barrels will need to be sold to realize $227 million in revenues.

CHAPTER 4

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

DEPARTMENTS OF HEALTH AND HUMAN SERVICES

The conference agreement includes a provision as proposed by the Senate rescinding funding available but unclaimed by States under the Job Opportunities and Basic Skills program.

DEPARTMENT OF EDUCATION

The conference agreement includes a provision that was not included in either the House or Senate bill reducing the amount of new funding for the Pell Grant program by $53,446,000. Because of the substantial amount of funding carrying forward in FY 1996 from previous appropriations, this reduction will not reduce the amount of funding actually expended for Pell Grants in FY 1996.

The conference agreement does not include a general provision proposed by the Senate (section 3014) that expressed the sense of the Senate with respect to funding for the Low Income Home Energy Assistance Program (LIHEAP).

MILITARY CONSTRUCTION

(RESCISSIONS)

The conference agreement rescinds a total of $37,500,000 from funds appropriated for fiscal year 1996 (Public Law 104–32), instead of no rescissions as proposed by both the House and the Senate. The conferees agree to rescind the following sums from the following accounts:

Military Construction, Army	$6,385,000
Military Construction, Navy	6,385,000
Military Construction, Air Force	6,385,000
Military Construction, Defense-wide	18,345,000
Total	37,500,000

The conferees agree to rescissions in the Army, Navy, and Air Force accounts in order to bring the fiscal year 1996 appropriation amounts into conformance with authorization. The conferees emphasize that the construction programs funded by these accounts will not be changed by these rescissions, and that no project will be reduced in scope or canceled.

With regard to the ''Military Construction, Defense-wide'' account, the conferees agree to the following rescissions:

Energy Conservation Investment Program	$10,000,000
Planning and Design	8,345,000
Total	18,345,000

In the case of the Energy Conservation Investment Program, the conferees agree to the rescission of $10,000,000 in order to bring the program into conformance with authorization, and $40,000,000 remains available for this program in fiscal year 1996. In the case of Planning and Design funds, the conferees agree to the rescission of $8,345,000 which is not required at this time, and $60,492,000 remains available in fiscal year 1996.

DEPARTMENT OF DEFENSE—MILITARY RESCISSIONS

The House and Senate bills contained rescissions proposed by the President or transfers of previously appropriated Department of Defense funding in order to fully offset the new defense appropriations in their respective bills. In this chapter, the conferees recommend total rescissions of $994,900,000, which totally offset the new appropriations contained in Title II, Chapter 7 of the conference report, as well as funds provided for the transfer of F–16 aircraft to Jordan in Title II, Chapter 4.

A summary of rescissions showing House, Senate, and conference recommendations by appropriation account is in the following table:

RESCISSIONS

[Dollars in thousands]

Appropriation	House	Senate	Conference
Missile Procurement, Air Force 1995/1997	$310,000	$310,000	$310,000
Other Procurement, Air Force 1995/1997	265,000	265,000	265,000
Research, Development, Test and Evaluation, Air Force 1995/1996	245,000	245,000	245,000
Research, Development, Test and Evaluation, Army 1996/1997	9,750	7,000	19,500
Research, Development, Test and Evaluation, Navy 1996/1997	17,500	12,500	45,000
Research, Development, Test and Evaluation, Air Force 1996/1997	22,450	16,000	69,800

RESCISSIONS—Continued

[Dollars in thousands]

Appropriation	House	Senate	Conference
Research, Development, Test and Evaluation, Defense-wide 1996/1997	20,300	14,500	40,600
Grand Total	890,000	870,000	994,900

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $664,000,000 in contract authority from the grants-in-aid for airports program as proposed by the Senate. The rescission of contract authority applies to those funds that are not available for obligation due to annual limits on obligations. The House bill contained no similar rescission.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY-RELATED SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $9,000,000 in contract authority from highway-related safety grants. The rescission of contract authority applies to those funds that are not available for obligation due to annual limits on obligations. The House and Senate bills contained no similar rescission.

MOTOR CARRIER SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $33,000,000 in contract authority from motor carrier safety grants. The rescission of contract authority applies to those funds that are not available for obligation due to annual limits on obligations. The House and Senate bills contained no similar rescission.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $56,000,000 in contract authority from highway traffic safety grants. The rescission of contract authority applies to those funds that are not available for obligation due to annual limits on obligations. The House and Senate bills contained no similar rescission.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

(RESCISSION)

The conferees have agreed to rescind $3,400,000 from funds made available to the General Services Administration (GSA) for installment acquisition payments instead of the $3,500,000 rescission as proposed by the Senate and no rescission as proposed by the House. This rescission offsets the $3,400,000 in new budget authority for the Office of National Drug Control Policy (ONDCP) as discussed in Chapter 9 of Title II of this Act.

The conferees have agreed to no rescission of funds made available to GSA for advance design ($200,000) and the U.S. Tax Court ($200,000) as proposed by the Senate. The House did not address this rescission.

CHAPTER 9

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(RESCISSION)

The conferees have proposed a rescission of $1,000,000,000 of disaster relief funds to help off-set appropriations levels provided in H.R. 3019. Such disaster funds were provided in the disaster relief and disaster relief contingency fund accounts in Public Law 104–19.

The conferees expect that this rescission will leave the Federal Emergency Management Agency approximately $1,300,000,000 short of known or expected requirements by the end of fiscal year 1997. As such, it is expected that FEMA will request an appropriate supplemental budget request to meet necessary requirements at an early point during fiscal year 1997.

CHAPTER 10

DEBT COLLECTION IMPROVEMENTS

The conferees have agreed to include and amend a provision proposed by the Senate which addresses debt collection improvements, instead of no provision as proposed by the House. The conferees have modified the provision so that it more closely resembles the Debt Collection Improvement Act of 1995, as developed by the Government Reform and Oversight Committee of the House of Representatives. The conferees have not included language as proposed by the Senate which would have permitted non-judicial foreclosure of mortgages.

The conferees direct that the Office of Management and Budget (OMB) provide coordination and oversight for development and implementation of the debt collection program created by this section. Additionally, with regard to the Debt Collection Improvement Account, the conferees direct the OMB to determine the baseline from which the increased collections are measured over the prior fiscal year, taking into account the recommendations made by the Secretary of the Treasury in consultation with creditor agencies.

The conferees strongly support repayment of delinquent government debt by all those who can afford to do so. However, the conferees recognize that those who receive federal benefits, particularly Social Security benefits, may be dependent upon them for a substantial part of their income. In order to avoid unreasonable hardship, the conferees insist that any federal debt collection effort give full consideration to the financial situation of the individual who may repay the debt.

By definition, recipients of Social Security benefits are elderly or totally disabled workers and their dependents, or the surviving dependents of deceased workers. The conferees intend that in cases where such benefits are involved, it is particularly important for the Treasury Department as well as all other Executive Branch organizations involved in developing regulations to implement this provision, to create regulatory safeguards which separate those debtors who cannot repay from those who refuse to pay. In particular, those who have become delinquent because of personal hardship, such as debilitating disability, or death of the breadwinner, and who may therefore be unable, rather than unwilling, to repay, must be protected if administrative offset of those benefits would cause undue financial hardship. Such safeguards are critical when benefits such as Social Security are the sole or major source of income for the debtor.

The conferees want to ensure that the Department of the Treasury regulations governing new debt collection procedures will be

cautiously and thoughtfully implemented, providing full safeguards for beneficiaries. Recognizing the dependence of those receiving federal benefits on those benefits, the conferees direct that the Treasury Department limit automatic withholding of benefits above the $9,000 annual exemption to a reasonable percentage of those benefits, not to exceed 15 percent. Of course, debtors wishing to repay more would be free to do so by remittance or other voluntary means.

The conferees agree that it is particularly important to recognize that individual circumstances change and even an individual with a good repayment record could face a personal or financial misfortune that makes further repayment difficult, if not impossible. For example, the death of the family breadwinner, despite the payment of survivor benefits, could indicate a substantial loss of income to a family. To suddenly or excessively reduce a surviving dependent's benefits could further threaten an already precarious economic situation for the affected dependent.

CONTINGENT APPROPRIATIONS

The conference agreement does not include any appropriations which would have been available only on the enactment of subsequent legislation that would have credited the Committees on Appropriations with sufficient savings to offset these appropriations. The House bill and the Senate amendment both contained this type of contingent appropriations but in different amounts. In lieu of providing any such contingent appropriations the conference agreement includes regular appropriations and offsetting savings above the regular appropriations or offset amounts in either the House or Senate passed versions of the bill. The additional amount of offsets result in this conference agreement being within the designated spending limits.

ENVIRONMENTAL INITIATIVES

The conference agreement does not include a separate title on environmental initiatives as proposed by the Senate. Instead these issues have been addressed in other parts of the conference agreement.

DISCLOSURE OF LOBBYING ACTIVITIES BY FEDERAL GRANTEES

The conference agreement deletes a provision requiring disclosure of lobbying activities by Federal grantees as proposed by the House. The Senate amendment contained no similar provision.

DEFICIT REDUCTION LOCK-BOX

The conference agreement deletes a provision proposed by the House that would have reduced the Committees on Appropriations spending allocations when spending reduction amendments are adopted during consideration of appropriations bills in either body. The Senate amendment contained no similar provision.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligational) authority, fiscal year 1995	$374,952,232,061
Budget estimates of new (obligational) authority, fiscal year 1996	404,545,750,093
House bill, fiscal year 1996	382,607,656,000
Senate bill, fiscal year 1996	384,492,162,999
Conference agreement, fiscal year 1996	380,684,327,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	5,732,094,939
Budget estimates of new (obligational) authority, fiscal year 1996	−23,861,423,093
House bill, fiscal year 1996	−1,923,329,000
Senate bill, fiscal year 1996	−3,807,835,999

VOTE ON THE MINIMUM WAGE

The Speaker pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, a vote on the minimum wage should no longer be blocked by the majority leadership. This last vote to prevent a vote on the minimum wage by this body is out of step with the American people. The American people want a vote—at least 8 out of 10 of them.

Democrats want a vote—some 119 are cosponsors of the minimum wage bill.

At least 23 Republican House members want a vote.

A vote on the minimum wage increase is unavoidable.

The majority leader continues to resist a vote, showing a lack a compassion and understanding for the plight of poor, working families.

Let's have a vote now.

Some 13 million American workers deserve an increase in the minimum wage because it is the fair thing to do—it is the right thing to do.

Minimum wage workers now earn about 50 cents less than they earned 40 years ago if the value of what they earned then is compared to the value of what they earn now.

It is discouraging, Mr. Speaker, for a citizen to work, full-time, and see their earnings go down, while corporate profits and executive salaries continue to go up.

It is even more disheartening when some in Congress are pushing for a tax break for these same wealthy executives, while pushing for a tax increase on America's workers.

Eliminating the earned income tax credit, which primarily benefits the working poor, while refusing to raise the minimum wage, is unfair and unjust.

The 117,000 minimum wage workers in North Carolina, and the millions of others throughout the United States, deserve better.

Middle- and moderate-income Americans now feel the squeeze between profits and wages as much as the low income and the unemployed.

Almost half of the money in America is in the hands of just 20 percent of the people. That top 20 percent is made up of families with the highest incomes. The bottom 20 percent has less than 5 percent of the money in their hands. A modest increase in the minimum wage could help the bottom 20 percent, and, it will not hurt the top 20 percent.

The President has proposed such a modest increase in the minimum wage—an increase of 90 cents, over 2 years. Such an increase would mean an additional $1,800 a year for the working poor.

That amount of money makes a big difference in the ability of families to buy food and shelter, to pay for energy to heat their homes, and to be able to clothe, care for, and educate their children.

That amount of money makes the difference between families with abundance and families in poverty. An increase in the minimum wage won't provide abundance, but it can raise working families out of poverty.

While the cost of bread, milk, eggs, a place to sleep, heat, clothing to wear, a bus ride, and a visit to the doctor has been going up, the income of low-, moderate-, and middle-income people has been going down.

Without an increase in the minimum wage, those with little money end up with less money. That is because the cost of living continues to rise.

Let's bring minimum wages into the modern age. Let's support H.R. 940, a bill that will help create a livable wage for millions of workers by permitting a modest increase in the minimum wage.

This Congress should pass the minimum wage increase.

It is the right thing to do. It is the fair thing to do.

Mr. RIGGS. Mr. Speaker, will the gentlewoman yield?

Mrs. CLAYTON. Mr. Speaker, I yield to the gentleman from California.

Mr. RIGGS. Mr. Speaker, I just wanted to point out that I am one of those Republicans who strongly supports the increase in the minimum wage, believes that it ought to be coupled with welfare reform. I know the gentlewoman has been very outspoken in regards to her feelings regarding welfare reform, but I would certainly hope that we could pursue this issue on a bipartisan basis with the ultimate goal of making work more attractive than welfare.

Mrs. CLAYTON. Mr. Speaker, I agree with the gentleman.

Mr. RIGGS. The principal reason that I support the increase in the minimum wage is so an entry-level minimum-wage job will ultimately pay more than welfare benefits do currently in the aggregate for those folks who want to make that difficult transition, with proper support and assistance from the Government and from taxpayers, from welfare to work. I wanted to point that out to her.

Mrs. CLAYTON. Mr. Speaker, I welcome the gentleman's comment. I think we should make work pay. When we do not make work pay, we make work a burden, so those who are on welfare will want to stay on welfare if they cannot find enough to provide for their basics. Raising the minimum wage will allow for people to be self-supporting and to provide for their families, without the Government having to do it.

So it is not inconsistent. I think it is consistent with a good welfare reform system, a good minimum wage, so increase the minimum wage as we move people to work. I appreciate the gentleman's remarks.

ARMS EMBARGO IN BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. COX] is recognized for 5 minutes.

Mr. COX of California. Mr. Speaker, during his recent circumnavigation of the planet, President Clinton told the G–7 summit leaders that they should join with him in urging Russia to put the squeeze on Iranian mullahs who are shipping arms, in particular shipping arms to the Hezbollah guerrillas in Lebanon.

While the President was calling on our allies to pressure Iran, and while the President and the Clinton administration were calling the Iranian terrorists, quote, ''the main source of international terrorism,'' and while publicly condemning Iran's shipment of arms to the Hezbollah guerrillas in Lebanon, Bill Clinton was secretly and simultaneously conniving at even bigger Iranian arms shipments to Bosnia.

Let us look at the history of this. On May 30, 1992, the United States imposed an arms embargo on the former Yugoslavia. The United States supported it, and when spy photographs showed Iranian 747's unloading illegal arms shipments in Zagreb, our State Department told us and told the world that we raised hell.

That was the United States' policy that candidate Bill Clinton opposed. Candidate Bill Clinton said he supported lifting the arms embargo in Bosnia, not so that Iran could sell weapons to the Bosnian Moslems, but rather so they could receive support from United States allies like Saudi Arabia and Turkey.

□ 1400

As President, he promised when he was a candidate, he would lift the unfair United Nations arms embargo against Bosnia. But once in office, Bill Clinton completely changed his mind. He broke that pledge, broke that promise, and opposed lifting the arms embargo.

He reversed his position because, he said, it would be wrong for any international arms shipments to go to Bosnia. It would ''Convert a complex ethnic war into an American responsibility. The United States must, therefore, oppose any international arms shipments to Bosnia.''

The Congress, however, voted to lift the arms embargo and sent the President a bill. It was not quite unanimous, but it was hugely bipartisan. Democrats and Republicans in the House and Senate sent the President a bill so that we could, through our allies, help the Bosnian Moslems to defend themselves. The President vetoed that bill. He said nobody, not Turkey, not Saudi Arabia, none of our friends, least of all the United States of America, could help arm the Bosnian Moslems.

The President assured not only Congress, but the American people and allies, like Britain and France, that he was staunchly opposed to lifting the arms embargo. And without telling even our own Joint Chiefs of Staff, it now develops the President secretly let it be known in Iran that the United States would not oppose huge, illegal arms shipments to the Bosnian Moslems.

Huge quantities of weapons, accompanied by Iranian intelligence agents and mujahedin rebels, were thus shipped into Bosnia, by a regime that the Clinton administration publicly was branding as the financier, the armorer, the trainer, the safe haven, and inspiration for terrorists. These are the people that the secret Clinton policy, that Bill Clinton himself, secretly was introducing to Europe.

As the U.S. Assistant Secretary of Defense was using those exact words I just quoted, the financier, armorer, trainer, safe haven, and inspiration for terrorists, the description of Iran, he was using those exact same words in his testimony to Congress. His boss in the White House, Bill Clinton, knew that up to eight cargo jets each month were taking off with Iranian arms bound for Bosnia. There can be no question that this was duplicitous.

Right now congressional committees are preparing to investigate this sordid matter, to determine whether laws were broken governing illegal covert operations and governing failure to report truthfully to the Congress.

But while it remains to be seen whether and, if so, which laws were broken, there is no question that the President broke his word to this Congress and to the American people. There can be no question that the President broke his word to France and to England. In briefs prepared for John Major and Jacques Chirac at the G–7 Summit, unknown to the President, they had incontrovertible proof that the President had lied publicly to them.

It is incumbent upon this Congress to take this matter with the utmost gravity and to investigate it so that we can restore the good word of the American people around the world.

HELPING WORKING AMERICANS THROUGH AN INCREASE IN THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, my Republican colleagues continue to refuse to allow a vote on the minimum wage. It was only minutes ago in this body that they once again rejected a democratic effort to bring the minimum wage increase to the floor for a vote. I might add that in that vote were 15 Republican colleagues who only days ago, along with a few others, who said that they were splitting with their leadership; they believed that we ought to pass a minimum wage, and that that vote ought to be brought up in this body. Fifteen of them, when they had the opportunity, they would have made the difference, they would have made the difference in the vote, so that the people's House, the House of Representatives, could have voted to raise the minimum wage a mere 90 cents.

As a matter of fact, because I was watching the clock, when there was about 220 votes, that is enough in order to defeat the opportunity to bring the vote up, several of them hung back, waited until it was lost, and then cast their vote against bringing it up. Talk about profiles in courage? Real courage. But it is nice to get the press accounts in the last few days of how you break with leadership and call for a minimum wage. And when you have the opportunity which this body afforded only a few minutes ago, they took a walk. I am sure that their constituents are going to take a hard look at this vote.

I have bad news for those who oppose a fair minimum wage. We are not done. We will be back, again and again and again, until we see the minimum wage increased in this country.

We will not give up, because there is a lot at stake in this minimum wage debate and in this vote. This debate is not about yet another way for my Republican colleagues to reward the rich and the powerful in this country. It is not another perk for those in power or a payoff to some special interest lobby. What is at stake here is whether or not this Congress will honor and reward hard work and tell the hard working men and women in this Nation that we care about what you do, we honor what you do, and we know what a difficult struggle it is every single week to scramble, to pay those bills, to make sure that your kids can go to college. And then, my God, after these years of work, that you can have a decent and dignified and secure retirement.

We will tell minimum wage workers that we respect that valiant struggle. The minimum wage is already at a 40-year low. It continues to plummet in value. And what we do is we discourage people from working. We say to people, go ahead, be on welfare.

That is crazy. We want to reward work in this country. That is what it is all about. That is what the people are about, that is what my folks are about. They worked hard. They worked hard to be able to send me to school. And people who are doing that ought to understand that those who they elect are going to reward that hard work.

Who are the typical minimum wage workers? The typical minimum worker is a woman. Almost two-thirds are adults, 20 years of age or older. Do not let them get away with saying the minimum wage workers are teenagers. They are not. That is not true.

The average minimum wage worker brings home half of his or her family's earnings, and about 40 percent of this Nation's minimum wage workers are the sole bread winner of their family. A full-time minimum wage worker makes $8,500 a year. It is less than what people on welfare do get today in this country.

Think about it. An increase in the minimum wage would help working men and women who are providing the only source of income for their families, and we could honor their hard work. These are the ordinary folks, average people, waiters, waitresses, people who wash the dishes. They are struggling everyday.

Do you know that when the Government shut down in December, the Members of this body, Members of Congress who make over $130,000 a year, they got more in that period of shutdown than a full-time minimum wage worker makes in an entire year?

It is wrong. Raise the minimum wage. Let us do it now. Let us bring this up for a vote.

TRIBUTE TO DORIS PIKE, VOLUNTEER AND LAWMAKER'S WIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FORBES] is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, I rise today because earlier this week the world got just a little bit dimmer with the passing of a wonderful woman from Riverhead, Long Island, by the name of Doris Pike.

Mr. Speaker, many people remember Doris Pike as the very pleasant, engaging wife of former Congressman Otis G. Pike, who so ably served Long Island in this body from 1961 to 1979.

But Doris Pike in her own right was a woman of note. She was an educator, somebody who devoted over 25 years as a volunteer, teaching immigrant students English. For 25 years she took those immigrant students, those with various different languages, 14 different languages, I believe, and she taught them English at Patchogue-Medford High School and later Riverhead High School.

She was married to a distinguished Member of this body who in his own right was extremely popular and had a dynamic and strong personality. But Doris Pike herself developed her own persona among the people of Long Island. They came to know and love her because of her many acts of charity, her volunteer work, her great sense of humor.

As her husband Otis Pike said, she was a most unpretentious woman. He recalled an evening when they were invited to the White House, for example, when she wore a beautiful long evening gown and decided that with that gown she was going to wear her bedroom slippers. When questioned by her husband, she said nobody looks at your feet anyway. As the Congressman remembered, in fact, they went to that White House affair, and indeed nobody looked at her feet anyway.

Otis Pike, I join with him and his daughter Lois and his sons Doug and Rob, in mourning the passing of this most generous and wonderful woman, Doris Pike. She was a long-time trustee of Dowling College, and she so believed in the value of education that she set up on her own Doris Pike College Fund, in which she attempted each year to fund the tuition expense of one student.

In her office at home, she had a sign that said ''A teacher affects eternity. She can never tell where her influence stops.''

My colleagues, ladies and gentlemen, Doris Pike was a woman of great stature, and she in her own way has affected eternity, and we will mourn her and we will miss her.

TIME TO VOTE ON A MINIMUM WAGE INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, Mr. GENE GREEN, is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, in just a few minutes we will be going to the budget agreement that I want to congratulate not just the majority Members, but also the whole Congress, because we finally have a budget agreement that, and I know I have heard this morning a lot of my colleagues on the Republican side talking about how it saves the tax dollars, and it does, and that is great. But it also restores a great many of the devastating education cuts that we have been talking about on this floor for months and months.

What it does is it shows us we can have a balanced budget in 7 years, just like the President talked about, and still have investment in education and job training and those issues that we know are not just for today, that they are for next year and 5 years from now.

But the reason I asked for 5 minutes this afternoon, Mr. Speaker, is to talk about it is time to have a clean vote on the minimum wage increase.

Working Americans support an increase in the minimum wage. In fact, the latest poll I saw showed that 83 percent of Americans support an increase in the minimum wage. In fact, just today I see reported that we are not going to have a vote on this floor on a minimum wage increase. I think that hurts not only the Congress, but the majority, but I also think it hurts a lot of good, hard-working people in our country who are trying to struggle on $4.25 an hour.

Americans know the real value of the minimum wage has declined in the past 15 years and the minimum wage earners have not seen an increase since April 1, 1991, 5 years ago, Mr. Speaker. During that time, with inflation 3 percent a year on the average, we see that percentage increasing.

We have a bipartisan bill that has been introduced by some of my majority Republican colleagues, 20 Members I understand, and I am a cosponsor of that bill, to increase the minimum wage. Yet we see that we are not going to have a vote on it. I know some Members on the majority Republican side are disappointed just like those of us on the Democratic side.

There is a proposal though, not the bipartisan bill, but there is a proposal we heard about, and again in speeches today from the majority, that the minimum wage would remain at $4.25, but we would continue to talk about a Federal Government subsidy for employees with families. So what we are seeing is an increase in this big Government in Washington. We have heard now for over a year, a year and 4 months, how we need to not have big Government in Washington. Yet we are going to, instead of businesses who can earn, who are depending on those people making $4.25 an hour to produce a product, we are going to subsidize them from this big Government in Washington.

It is like the world turned upside down, Mr. Speaker. I just do not understand it, just being a Member from Houston and understanding that the minimum wage, typically you earn that. We do not need any more subsidies for people who have families. We want a decent wage for a decent job being done, and to get these people off welfare.

□ 1415

The biggest problem I think we have, and the majority has to explain, is how a person making $4.25 an hour working 40 hours a week is still eligible in my district for welfare benefits. What we need to do is, if we increase the minimum wage to $5.15 an hour, a person working 40 hours a week would then no longer be eligible for welfare. They would actually be able to work their way off of this subsidy that they may be receiving and the expanded subsidy I hear the majority party may be talking about.

That is what is wrong. We need to make sure that they can earn that money to keep themselves, get themselves off welfare. And that is why it is amazing to me that instead of just increasing the minimum wage to where businesses will pay their employees a minimum wage reasonable enough to get them off of welfare, that we are coming up with ways that the government can subsidize it and say, well, we really need to do even more on an earned income tax credit, or do even more for providing for these families.

These families want to work and earn a living. They do not want the government to provide it, and that is why it is so important that we provide for a livable wage for the minimum wage. America's families are working harder than ever and we know that. We see the polls. We see what is happening.

The disparity between the highest paid people in our country and the lowest paid is getting higher and higher.

We need to respond to that as members of Congress, not just as Democrats but as a Congress, because we need to make sure that disparity is not there. The beauty of America has always been that we have a middle class and the hope for people to go into that middle class. And yet what we see is the disparity is getting bigger. The people who make the most are making more money and the people who make less are making even less.

Mr. Speaker, I understand we are getting ready to go to the budget, but I would hope we would also see sometime in the near future a clean vote on the minimum wage issue.

CONFERENCE REPORT ON H.R. 3019, BALANCED BUDGET DOWN PAYMENT ACT, II

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–538) on the resolution (H. Res. 415) waiving points of order against the conference report to accompany the bill (H.R. 3019) making appropriations for fiscal year 1996 to make further downpayment toward a balanced budget, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 415 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 415

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield 30 minutes to 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.

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

Mr. SOLOMON. Mr. Speaker, the rule before us will allow us to immediately consider the conference report on H.R. 3019. It is the Balanced Budget Downpayment Act II. The rule waives all points of order against the conference report and its consideration, and it provides that the conference report be considered as read.

Mr. Speaker, this is a day that has been a long time coming as we wrap up the remaining five regular appropriations bills for fiscal year 1996 whereby we will have a full budget in place for this year. Notwithstanding all the short-term continuing resolutions and all of the long, hard, and tough negotiations on this bill, the wait has been well worthwhile, in my opinion.

This truly is a historic day when one considers that we are making this substantial downpayment toward a balanced budget that we promised at the beginning of this Congress.

Mr. Speaker, on any bill of this magnitude, with all of the complex and all of the difficult issues to be resolved, I think it is fair to say that no one is happy with every aspect of the final conference agreement, certainly not this Member. But I would strongly urge every single Member to come over here and keep their eyes on the big picture of what this is all about, and what this is all about is, make no mistake about it, reducing the size and the role of this Federal Government and putting this country once again on a second fiscal footing by taking the first big steps toward a balanced budget by the year 2002, and this bill today does just that.

The Congressional Budget Office recently projected that the fiscal year 1996 deficit would fall to $144 billion. That is not million, that is billion dollars, and that is $28 billion below last December's projection. And make no mistake about it, the Congressional Budget Office confirms that our actions on appropriation bills for this fiscal year have played a major role in bringing about this downturn in spending.

Mr. Speaker, our final action today on these remaining five appropriation bills will contribute even further to that deficit reduction effort. When this bill is signed into law, and the President is going to sign it, we will have saved $23 billion from last year's spending levels alone. That is $23 billion below last year's spending. Who would have ever imagined we could have made such substantial strides? Just our first full year? And that is added to another, and this is important to remember, we have already cut $23 billion, but if we add that to the $20 billion in savings that we made in fiscal year 1995, in savings and rescissions, when we add all that up, it means that we have saved some $43 billion since we took control of this Congress in January of 1995, $43 billion.

Mr. Speaker, one can say we even outdid ourselves when we consider that we have saved $2 billion more than our budget resolution projected in discretionary spending, $2 billion more than we even said we were going to. That, my friends, is a record of accomplishment which we can all be very, very proud. I know I am. And it is one which will benefit the American people, and it will benefit the economy of this Nation, which means jobs, jobs, jobs, jobs, jobs.

Interest rates will be lower than the CBO projected; the economy is growing faster than the CBO projected; and inflation has been lower than CBO projected, all because we have had the courage to stick by our convictions and our commitments and to make those hard votes on the floor of this Congress, and, ladies and gentlemen, they were hard, but that is the only way we get this kind of savings to put the fiscal house in order of this Government.

Mr. Speaker, what does all this mean? It means the $43 billion in savings we have made in fiscal years 1995 and 1996 translates into money we will not have to borrow. It means we do not have to borrow another $43 billion, it means less debt and it means less interest for our children and our grandchildren to have to pay, already $5 trillion in debt requiring $250 billion in interest payments alone annually. We are not going to add to that. It means an ever expanding economy with more opportunities for more jobs, better jobs, and better pay because we are reducing the cost of Government by bringing our own fiscal house in order.

Mr. Speaker, that is really what this whole debate today in all about. Yes, there has been a great deal of give and take between the President and the Congress in these difficult negotiations. That is all a part of the political process. It is the toughest part to learn sometimes when one is principled and believes very strongly in the things they believe in. But the art of compromise is something that Ronald Reagan taught all of us that we had to live by in order to accomplish anything.

But let me emphasize the fact that for all the areas in which some concessions have been made to the administration there have been offsets to pay for them, and we are going to hear during the next hour of debate all the restorations that were made, whether it was in education or the environment or in other areas. But every single dollar that was restored over what we wanted to cut has been offset with cuts elsewhere, so we have not given in one thin dime, and that is how we realize the savings we have today.

In the process of arriving at this mutually agreed upon budget we have managed to eliminate, and this is so terribly important because it also is what this debate is all about, we have eliminated, that means we have zeroed out, 200 programs, while still paying for emergency supplemental funding for such things as disaster assistance, and goodness knows we have had enough of that with all the disasters throughout the country lately, and also our troop deployment in Bosnia. That is all paid for and yet we still have realized these very significant savings.

Mr. Speaker, I especially want to commend the gentleman from Louisiana, Chairman LIVINGSTON, and his Committee on Appropriations for making the very hard choices and for sticking with our core values of providing a better future for this country by reducing the deficit and reducing that public debt.

When we consider where we were at the beginning of this Congress, I do not think anyone would have predicted we would have been capable of this degree of success in just this short space of time. I think we owe a great deal of gratitude to the gentleman from Louisiana, Chairman LIVINGSTON, who has worked hand in glove with our leadership and the Senate leadership in negotiating this final agreement.

But, Mr. Speaker, let us be under no illusion that this is the end of these efforts. I do not want it to sound like this is all over and we have won, we have accomplished what we set out to do. We have a long way to go in the coming fiscal years to establish and to achieve that balanced budget and seemed so illusory just 2 years ago.

Mr. Speaker, with the passage of this final part of this year's budget we have lived up to our commitment to stick to, and this is important for everybody back in your offices listening, we are sticking to that glidepath of a balanced budget. We are even below the glidepath that we set back in January of 1995.

That is why I am going to vote for this piece of legislation, because we have not used smoke and mirrors. We have not lied to the public. We are actually cutting the deficit down and we are staying on that glidepath. In coming years there will still be many pieces that are required to balance this puzzle, but if we stick to what we are doing, if we accomplish next year what we did this year, and we do it for 5 more consecutive years after that, we will have brought this fiscal house in order and it will have saved this country from drowning in a sea of red ink.

Mr. Speaker, I strongly urge support of this rule. I strongly urge support of the bill to finally put an end to this year's budget. By passing this, we will have finally adopted the 1996 budget.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from New York, Mr. SOLOMON for yielding me the customary half hour and I yield myself such time as I may consume.

Mr. Speaker, all over the country today we should be hearing a sigh of relief. The 6-month anxiety we've been feeling about possible Government shutdowns has come to an end. The bill we will vote on today will make it impossible for my Republican colleagues to shut down the Government for political reasons again, at least until October 1st.

Mr. Speaker, today the Democratic position prevailed. Today we showed that it is possible to cut spending while still supporting education, the environment, and community police.

Throughout this budget battle Democrats held tough.

Throughout this budget battle Democrats stood up for education and the environment and now that the budget battle is over the American people are having a sigh of relief.

Because thanks to the Democrats in Congress 1 million children will still be able to get extra help in math and reading.

Thanks to the Democrats in Congress our clean air and clean water acts will not be gutted.

And thanks to the Democrats in Congress we can still put 100,000 police on the street while not busting the budget.

But even though this Republican budget game has finally come to an end it's 6 months overdue.

If Republicans had worked with Democrats we could have kept the Government open. If Republicans had worked with Democrats we could have settled this 6 months ago and come a lot closer to giving the American people the kind of Government they deserve.

Mr. Speaker, there's one question the American people want to ask of Republicans in Congress, what took you so long?

Why did you wait to open up the Government and why did you hold on so long to your education and environment cuts?

I congratulate my Republican colleagues for seeing the merits of the Democratic defense of education, the environment, and community policing.

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

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from California, Mr. DAVID DREIER, My vice chairman of the Committee on Rules and my right arm. He is a Member of this body that came here with Ronald Reagan a couple years after I did, who helped me in introducing the first balanced budget ever to come on this floor. We did not get many votes for it back in those days, but by persevering, this gentleman, along with myself and others, have brought these balanced budgets to the floor.

□ 1430

Mr. DREIER. Mr. Speaker, I am very flattered by that. Let me say, Mr. Speaker, that I want to join in extending congratulations to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman, to the gentleman from Wisconsin [Mr. OBEY], and to others who have worked to bring about this agreement. Clearly, we have gotten to the point where we are taking a step, a step in the direction towards ending the concept of big government. This does not do it, but it is a step in that direction, and I am pleased that we are going to be doing that.

During the arduous national debate on the President's massive tax increase back in 1993, the American people said, ''Cut spending first.'' There was a clear national consensus to balance the budget by reducing the waste in government and slowing the growth of Federal spending, not by increasing taxes.

Our Contract With America was historic not for the specific policies proposed but for the unprecedented effort of political candidates to make substantive legislative proposals during a campaign and then to win the election and actually proceed with implementation of those promises. This was above all an effort to address the well-founded mistrust that has existed with the American people who had grown sick and tired of Presidents and congressional majorities, both political parties saying one thing in a campaign and doing another while in office.

One of the fundamental tenets of our contract was to balance the budget by reducing Federal spending, not by raising taxes. The principle of the Republican Party resulted in a historic budget confrontation. The majority in Congress promised to balance the budget by slowing the growth of Federal spending and provide tax cuts to families so that people could spend their own money on their own priorities in the budget.

The President opposed that effort and had more than enough support from the minority in Congress to enforce his vetoes. The unstoppable force met the immovable object.

Mr. Speaker, the conference report brings the appropriations portion of the fiscal year 1996 process to a close. That in itself is a very good and positive thing. It involves compromise, but it does not change the basic fact regarding this historic effort of the Committee on Appropriations over the past 16 months.

With enactment of this legislation, the 104th Congress will have reduced Federal discretionary spending by $23 billion in fiscal year 1996 spending. The Congress has saved the Federal taxpayers and, more importantly, their children who will pay for the Federal debt an additional $20 billion in rescissions from the previous fiscal year. The result has been the lowest projected deficit in 14 years and the single largest reduction in Federal spending since the 1940's.

With the passage of this legislation, Congress will have terminated over 200 Federal programs. Congress has done what it promised to do and what the American people asked for. We cut spending first. Critical rhetoric will always to be part of politics, but one thing that cannot be said truthfully about the 104th Congress is that we have not done what we said we would do. We cannot fully reform 40 years of big government congressional policies in just 2 years, but today we are making a very good and important start.

This is a bill that deserves bipartisan support, and I am convinced it is going to get it. It may be the product of a process that was not enjoyable to watch, but it is a product that is well worth supporting from both sides of the aisle. It is time to move ahead with fiscal year 1997 spending issues. However, be assured this majority will remain fully committed to balancing the budget by cutting spending first, not raising taxes on hard-working families

to feed the bloated Federal behemoth. It is gratifying that we have finally gotten to this point. I hope very much that we sill be able to move as expeditiously as possible to pass this legislation.

I thank my friend for yielding time to me.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana [Mr. ROEMER].

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

Mr. ROEMER. Mr. Speaker, there is an old saying that goes, if you first do not succeed, try, try again. Well, 2 Government shutdowns later, 13 continuing resolutions later, 6 months after the deadline of October later, we have finally come up, finally come up with a bipartisan solution for this year's budget. What is it? It is trying to work together in a bipartisan way but not cutting and devastating education, like the Republicans did initially. Let me talk about a couple programs that are now fully restored that never should have been cut in the first place.

Safe and drug free schools were cut by $265 million. When we ask children in our schools what is the biggest risk they face today, they do not say an algebra test; they say drugs. Yet, they wanted to cut that program. Now it is restored. This is a good bill.

They also wanted to cut Head Start programs to keep our children learning that are at risk from dropping out, because if we do not keep them in school, they are going to get in trouble and go to jail, and we are going to have to build a prison. What would you rather do as a taxpayer? Educate our children or build jails and prisons later on?

Third, title I programs that were cut back by 16 percent, now they are fully restored. Title I educates 7 million at-risk school children, teaching them the basics so that they can learn and become productive citizens and work in good jobs later on.

Title I has been restored. Head Start has been restored. Drug free schools have been restored.

I would hope that this would be a lesson that we here in Congress will begin to work together, Republicans and Democrats, because, Mr. Speaker, this is not a victory for the Democrats because we got this education money back in. This is a victory for the American people. This is what the American people want. They want to make sure that their children can get to school and a good school and that we try new ideas in making our schools work better. They want to make sure, when Newsweek has a cover story this week that colleges can cost $1,000 a week, that we help our students get a student loan or a student grant so that they could pursue higher education.

This is the best investment we can make in this country, investing in education for our children. It never should have been cut the first time.

As the gentleman from California [Mr. DREIER] said, we can cut spending first in Washington, DC, and cut back on committees and cut back on the overhead here and return money out of our budgets. But we should not cut education dollars for at-risk children. We should not use the budget axe on the most vulnerable people in our society, especially when we want these children getting good jobs and not ending up in trouble where they are even more of a tax burden later on.

This is a lesson, Mr. Speaker. I hope for 1997 and 1998 and so on into the future that Republicans and Democrats will work together to protect education, to cut wasteful spending here in Washington first, and to get to a balanced budget by the year 2002.

Again, I would like to thank the gentleman from Massachusetts [Mr. MOAKLEY] for his very generous extension of time to me.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. Just briefly, the previous speaker has called, recalled an old axiom that says, if at first you do not succeed, try and try and try again. I just recall back on February 1995, when the President of the United States presented this Congress of the United States his 5-year projected budget, which called for increases of more than $250 billion in the deficit each year for 5 consecutive years, that would have added another $1 trillion 250 billion to the deficit.

In that same budget, he called for increases across the board. So we Republicans persevered. We were not about to increase the deficit by $250 billion annually for 5 consecutive years. We were not about to increase spending. By persevering and trying and trying and trying again, what we have before us today is the 1996 budget that does not call for increases of huge magnitudes, it calls for a $23 billion cut in actual spending.

That is what we have accomplished by trying and trying and trying again, and we had a lot of good support from both sides of the aisle individually coming to that.

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

Mr. SOLOMON. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, I would just say, the gentleman knows I respect him; he and I worked together on the Russian and Chechnyan issue. I would just say that I think, if the gentleman will continue to yield to me for a little bit of time here, I think that the budget that we came up with, the blue dog coalition budget, balances the budget by the year 2002. It cuts wasteful spending out of Washington. But we did not cut a dime out of education. We did not cut a nickel out of student loans. We did not cut a penny out of Head Start programs for children at risk.

I think if the gentleman from New York [Mr. SOLOMON] and I can work together on some foreign policy issues, certainly we Republicans and Democrats can work together.

Mr. SOLOMON. I think the gentleman may be right.

Mr. Speaker, I yield such time as he may consume to the gentleman from Sanibel, FL [Mr. GOSS], another member of the Committee on Rules who has had a great deal to do with putting this budget together over the last seven months.

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

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Glens Falls, NY [Mr. SOLOMON]. Indeed, he has shown extraordinary leadership and persistence in getting us to this point. I congratulate him and, of course, all the others who have participated in what has been a very lengthy exercise.

Mr. Speaker, I rise in support of this fair rule which allows us to consider H.R. 3019, the omnibus appropriations conference report.

Mr. Speaker, this Congress was elected to change the way Washington does business: Returning fiscal responsibility to the budget process and improving accountability to the American taxpayer. This omnibus appropriations conference report reflects those principles by finalizing an appropriations cycle that cut $23 billion from last year's levels. With its passage this Congress' total savings reach $32 billion, the single largest real spending cut in Government spending since World War II.

This Congress has changed the way Washington works in another very important respect—setting priorities. The Clinton administration asked for $30 billion more in indiscriminate spending but we insisted on applying the brakes. Instead of haphazardly funding every project and program, we have prioritized our limited resources and eliminated billions of dollars of low-priority spending, canceling 200 programs completely. We have recognized our responsibility to the victims of natural disasters and to our soldiers in Bosnia without breaking our contract with the American taxpayer. The concept of fiscal responsibility, which seems simple to most families in my district struggling to prioritize spending within their own budgets, marks a revolutionary change in the way this town does business. Despite some potholes that have slowed us down, we are on the road to a balanced budget.

I would like to highlight one example from my district of how the Federal Government can do more for less. H.R. 3019 contains language authorizing a lease for expansion of a veterans outpatient clinic in Fort Myers. Built to accommodate 40,000 visits a year, the clinic served more than 51,000 last year, with many more on the waiting list. We have come up with a way to meet the need with just over a million dollars—far less than it would have cost to build an entire new facility.

The issue comes down to fairness and providing the services where the veterans are. While many hospitals in the North remain half empty most of the year, the 150,000 veterans in southwest Florida currently must contend with one limited facility and denial of services altogether for non-service-connected injuries and illnesses. This lease, building on the innovations of the private sector, will allow more veterans to be served in a cost-effective manner.

In past years, we have received authorization but have been denied the appropriation. Today's bill ties everything together. There will be no more excuses or loopholes—we will move forward and provide for the veterans. This should be the final chapter in a long and frustrating saga, as today we finally achieve our goal and keep our contract with southwest Florida veterans. I applaud the efforts of Chairmen LIVINGSTON, LEWIS, and STUMP for their hard work to get this done.

□ 1445

The issue comes down to fairness in providing the services where the veterans are. While many hospitals in the North remain half empty most of the year, the 150,000 veterans in southwest Florida who have moved from the North to southwest Florida currently must content with one limited facility and denial of services altogether for non-service-connected injuries and illnesses, and that is just plain not fair, and it is not smart, and it is not good management. So this lease building on the innovations of the private sector will allow more veterans to be served in a cost-effective manner.

That is the kind of change that we have brought about and, I think, the kind of change America is looking for, and I applaud the efforts of the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from California [Mr. LEWIS], and the gentleman from Arizona [Mr. STUMP] for their hard work in that area.

Change for the better is not easy. It cannot be done in a moment. Those who unfairly or unnecessarily gain from the status quo resist change; we know that. But today the time has come to move forward. This is fiscal responsibility. There will never be a better opportunity to do what we should than right now.

Mr. MOAKELY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL], the former chairman of the Committee on Commerce.

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

Mr. DINGELL. Mr. Speaker, I would like to tell my colleagues that this is a good clean bill and that there is no pork and no outrage here. But nothing is further from the truth. Some of my colleagues on the other side are going to be looking rather sheepish and hangdog, and they properly should. The Republicans here are creating an indefensible giveaway of $645 million to Louisiana and New Hampshire in the forthcoming conference report on the CR. The $45 million will go to New Hampshire, $600 million will go to Louisiana.

The pork is to reward two safe Republican States for abusing Federal taxpayers by using loopholes and accounting gimmicks to increase Federal matching payments they receive under Medicaid while depressing their own State spending. In other words, Federal spending goes up here, State spending goes down. These are scams which were popular in the 1980's during the Bush administration. They increased the Federal Government spending on Medicaid alone to a tune of $10 billion.

Guess who the biggest abusers were? Louisiana and New Hampshire. They still are the two biggest abusers.

In 1993 we cleaned the situation up after extensive hearings in the Committee on Energy and Commerce. We passed a bipartisan measure to eliminate these abuses and to protect the Federal Treasury and at the same time to take and give consideration to the problems that the States had. We gave them 2 years to wean themselves from their addiction to these Federal payments and to get away from the Federal trough.

Unfortunately, my Republican colleagues seem to be operating under the philosophy that no bad deed should ever go unrewarded. The CR is going to reward these States with more time at the Federal trough to the tune of about $645 million.

Louisiana, by the way, will spend these moneys not for health, but they will continue to spend them for things like roads, highways, bridges, and the prison system.

Incidentally, there are other States now who are living under the constraints of the 1993 law; that is, all 48 of the other States. It is interesting to note, however, that since this process commenced of Louisiana and New Hampshire seeking additional moneys to continue an abuse which was roundly decried as long ago as 1993, six other States are now asking that they be permitted to belly up to the trough so that they can get their share of the slop.

For 48 other States whose Members of Congress are represented here, I ask if they can explain how it is and why it is that the Congress voted for a special Federal bailout for two States who simply failed to manage their budgets properly at the expense of their own State and at the expense of the rest of the Nation.

I also ask my colleagues to be prepared to explain to the people of their States why it is after 2 years was given to these two States to clean up their act, they are given an additional time.

I know that one Presidential candidate came back not long back from New Hampshire and that very shortly thereafter disappeared in the language of the Senate bill. I wonder if this ought to appear on the FEC report of that particular candidate.

This happens to be a genuine outrage. It is a continued raid upon funds which are needed for important public purposes or for the purpose of reduction of the budget deficit and for the purpose of balancing the budget. These are funds which are being taken away from other essential and important uses, such as student loans, such as school lunches, such as education, such as research into health problems, such as improving the quality of life, to law enforcement, to protection of the environment, and they are going to two States which have roundly abused the system for years and which, under this legislation, are going to get the permission of the Congress to continue to abuse the public interests and public monies for special purposes, in a fashion that no other State is being permitted to do.

But note, my dear friends and colleagues, this is but the first crack in the dike because now already six other States are saying, ''Well, if you are going to let Louisiana, if you are going to let New Hampshire, have access to these funds without responsibility, how about letting us do that?''

So, I would tell my colleagues, prepare for a phone call from their constituents, prepare for a phone call from their Governor, prepare for the call from their State to let them share in this pork also.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, these same folks who shut down the Government now claim to be working in a fiscally responsible manner to balance the Federal budget. They are asking us to support a continuing resolution laden with $342 million in special-interest pork to help the Republican Governors of New Hampshire and Louisiana balance their budgets without violating their no new taxes pledge. It is easy. Here is how to do it:

''You run for Governor. You say you are not going to increase taxes. You overspend and run up a deficit. Then you call your political friends in Washington to bail you out with a little bit of money. You than can go back and run for reelection, say, 'Look, I did not raise taxes, and I balanced my budget.' ''.

The fact is the taxpayers in 48 other States are going to have to have their taxes raised or their spending cut so that we can have this little payoff to help these two Governors in New Hampshire and Louisiana.

Every State in this Nation grapples with balancing their books. My State, the State of Ohio, is plagued by the rules, has made the tough choices to keep spending in line. We will never be able to balance the Federal budget if a couple of States that have particularly good political connections in Washington, or might have had an early Presidential primary, if those States are

overspending and get bailed out by the Federal Government.

We have had too many bailouts in this Congress, we have had too many times in this new Congress, where pork has been the order of the day, ''We have to have more pork in these bills in order to satisfy special interests.''

Think, Mr. Speaker, how much pork we would have had to put in this bill if a certain other Presidential candidate had won New Hampshire. Think of what the price might have been, how much money would have had to be in this bill, in order to satisfy those demands in one of those States then.

Mr. Speaker, if this is how the Republicans handle block grants, I want to know where my State can apply.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON]. One of the reasons we are here today is because of the outstanding work of the chairman of the Committee on Appropriations. We all owe him a great deal, and so do the American people.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from New York for yielding me a little bit of time to respond, and, playing on that last statement, does the gentleman want to know why his State will not apply for this deal? I am sure that his State would probably argue that they do not want this kind of deal because the fact is that the State of Louisiana unfortunately has placed itself in the predicament from which it is extracting itself, and I stress that.

I am not going to deny that abuses by various States around the country took place in the Medicaid Program years ago. They did. Two previous administrations of the Louisiana State government frankly abused the Medicaid Program; there is no doubt about it.

But this administration that just took over a few short months ago is taking great steps to remedy the situation. In fact, some steps began at the end of the previous administration, because unfortunately there were abuses, they had to acknowledge there had been abuses, and they ultimately had no choice because of measures taken by the distinguished former members and the chairman of the Committee on Commerce to remedy those abuses. They were left with absolutely no choice at all. They recognized that they spent too much in Medicaid. The previous administration of Governor Edwards's found out that the abuse of the program must end. It was cut off by the Federal Government at the response of the investigations by Chairman DINGELL, when he was chairman on the Energy and Commerce Committee.

Now this new administration in Louisiana, that took office at the beginning of this year, has already made a billion dollars in cuts in their Medicaid Program. Only the State of Delaware and the State of Louisiana have made as many cuts in their optional Medicaid Programs. The provision in this bill would cap the Federal Medicaid payment to Louisiana at $2.6 billion, which is more severe and more austere than any other State in the Nation. This provision allows no growth beyond $2.6 billion, not even for inflation, this year, next year, and the following year. No other State in the Union is willing to take this kind of deal.

I have heard the two previous speakers say, oh, well, every State is going to jump up and get this kind of deal. The fact is they are not asking and they do not want this deal, they do not want this formula. Louisiana is acknowledging mistakes and saying that they are going to live up to their responsibilities with new Federal guidelines and meet the responsibilities that they have taken on. The Committee on Commerce Republican leadership has said that because Louisiana is willing to forgo the growth in their program in the funding for Medicaid in the outyears, they have been able to provide all the States with additional growth in Medicaid dollars.

So what we are doing in Louisiana is resulting in a template, a format for action that can be used with respect to other States. The Louisiana Medicaid provision we have included is similar to the provision that was included in the Balanced Budget Act and the Governors' Medicaid proposal.

So this is not new stuff, this was not late at night, this was not snuck in in some smoke-filled room. This actually was on the books in the past. The Louisiana situation is an emergency. If this funding does not go forward one-third, maybe as much as one-third of the medical personnel in Louisiana who provide services to the elderly and to the indigent simply will have to be laid off immediately, not next year or the year after that, immediately.

Now, this is an urgent situation, it is an emergency that is recognized by other Members, by both sides of the aisle and by both sides of this building in the Capitol of the United States as well as by the President of the United States, and that is why he is willing to sign the bill with this in it. He may not like every provision, but the fact is he has recognized that the State of Louisiana has acknowledged their problem, is willing to deal with it, and if other States were quite so forthright, they would adopt measures that parallel this.

To meet the Congressional Budget Office's concerns and the White House's initial objections to the provision, the final Louisiana Medicaid provision in this conference agreement would only last through the State's fiscal year 1997, and then we have to go back and make appropriations if there is a cost to the United States of America.

□ 1500

In fact, in fiscal year 1996, the Congressional Budget Office says that what we have done costs the government absolutely nothing, absolutely zero, so all this talk about porkbusters is just fabrication. It does not cost the Government anything. Before we can go forward after fiscal year 1996, we have to begin to set out how we are going to pay for it.

I do not believe this provision is going to cost the Government anything in the outyears, because Louisiana is working with the people in the Congressional Budget Office to show how this arrangement will actually save the American taxpayer money, and that they are willing to cap their Medicaid payment at a very much lower level than they have previously received, in order to get themselves over the hump.

Had they cut themselves off cold turkey there would be a devastating shortfall that would have resulted in a reduction in services, medical services to the indigent in Louisiana, that simply would be unsustainable.

What we are doing is smoothing the playing field and giving them the opportunity to get out from under what I acknowledge was a bad situation in the years past, but we are correcting it. And I commend the leadership of the State of Louisiana for stepping up to the plate, and I commend, frankly, the good people on both sides of the aisle, both Chambers of Congress, and the administration, for acknowledging that what we have here is the best solution to an abuse that took place long ago.

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

Mr. MOAKLEY. Mr. Speaker, I yield 2 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, it is always good for us to talk about the cuts. Everybody likes to have cuts and to get spending under control. But I am happy to see that we reinstated some of the real vital programs in education that were so sorely needed.

However, there is one area of this budget that very much disturbs me. That is our veterans' facilities, our health care facilities. To me, I think what we are doing in this bill is absolutely, totally disgraceful. We are $400 million under the President's request on medical facilities for our veterans. We are $400 million short on construction.

Let me just point out a couple things. My dear friend, the gentleman from Georgia, talked about the emergency in Medicare, that we had to do something. I visited these hospitals when the Government shut down. These people were literally working for nothing.

To this day, some of them have not been reimbursed for the money that they had coming from the Government shutdown. Some of the nurses there are working two nurses a shift for 37 people in our VA hospital. It is an absolute disgrace what we are doing in this budget for the care of our American veterans.

Mr. Speaker, I think that the American people ought to know from where some of these cuts are coming. Sometimes we need to put a human face on cuts. It is good to stand here and talk about how much we have cut and how much we are cutting back and all these things that we are doing, but we have to put a human face to it. It comes from somewhere, and it is coming from the veterans' $400 million in the medical facilities for our veterans who laid it on the line for this country. I think it is absolutely disgraceful the way we are doing the cuts on the veterans of this country.

Mr. Speaker, I would hope that sometime in the near future we can rectify this, because we are paying an inordinately bad price for the veterans who served this country so well and for the folks who labor in these hospitals. They were diligent, they were there when the doors opened, they were there when the patients needed them. Now, when it comes to ante up and get the money, we are going to cut. I think it is an absolute disgrace what we are doing to the veterans of this country.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. WAXMAN].

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

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

Mr. Speaker, I listened to the statements from the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, about the plight of the State of Louisiana. Louisiana is trying to handle its own State budget, but so is every other State in this country. What Louisiana is getting is a very sweet deal. It is a special treatment. It is pork barrel money. They are getting Federal dollars without doing what they are required under Federal law to put up for their own citizens who receive Medicaid benefits.

The reason they are in this fix has nothing to do with the Federal Government. It has to do with the abuse by the State of Louisiana in the 1980's when they leveraged Federal dollars into the Medicaid Program and then did not even use it for health care. They used it for roads and they used it for prisons. They used it to balance their budget and they became addicted to that money. Now, because they have one of their own in a very powerful position, they are being singled out; they and New Hampshire, to get Federal dollars to help them meet their fiscal requirements.

The State of California has a problem. Every State has a problem to make their budgets match income and outgo. Medicaid is a big cost. But the Federal Government should not be standing in the place of those State governments to take on their responsibilities.

Put this in the context of what Republicans wanted earlier this year. What they wanted was a block grant with cuts in Federal and State dollars under the Medicaid Program, and the public that is to be served by those programs be damned. They could go without care under the provisions of what is substituted for the existing Medicaid Program under the Republican proposal. This is an outrage. It is unfair. It should not have happened.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I rise to correct the record. First of all, Mr. Speaker, Louisiana has a law on its books, has had a law on its books since well into the 1970's, that Medicaid receipts and Medicare moneys cannot be spent on anything but health care in that State. It was not spent on roads and bridges, as the gentleman in the well previously alluded to. I am sure that gentleman in the well previously alluded to. I am sure that gentleman voted against the earthquake relief to California when that State needed help from this Federal Government.

However, the provisions in this bill do not add a dime to the Federal deficit, do not increase spending in Louisiana one dime. It simply allows Louisiana to do something it has to do, and that is to correct the formula by which the State applied for and received its Federal funding all these years.

The State used a system whereby Federal and State dollars were accumulated in its Medicaid accounts and then matched to make its Medicaid formula. That is no longer allowed. That was a system the Federal Government allowed to happen over these years, and now we are going to face a $1.5 billion shortfall for the most needy people in our State if this provision is not adopted.

If any other State wants to freeze its accounts the way Louisiana is freezing them, come forward. That is what the bill provides.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to another gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Speaker, there were more displaced workers in the State of Louisiana when the oil industry collapsed than there are in the automobile industry, but when a vote was held on this Chamber and across the hall, unemployment compensation was extended to those who had been, unfortunately, adversely affected in the downturn in the automobile industry. It is something I would vote for again, but when the request was made for the oil and gas industry, it was turned down in both Chambers.

The point I am making is simple. The State of Louisiana has held its head up proud and, by the way, done something some of these folks should have thought about: Delivered good quality medical care at under the Federal reimbursement rate, not taking a dime from anyone that any other State was not getting per capita. And instead of sending a committee down to learn how they did it better, we said, ''Let us punish them for not spending every dime in the Federal Treasury.''

Now we have CBO saying, ''You are not costing the taxpayer and another State a nickel.'' Maybe that is what has offended the other side in this debate, that another taxpayer is not having to pay another dime to bail out an automobile company or a big city.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I want the record to be very clear about the Louisiana situation. They did take Federal dollars on the claim that this was supposed to go to hospitals that served a disproportionate share of low-income patients. They put up some phony State dollars which were in fact Federal dollars, leveraged the Federal dollars to match it, and then used the additional Federal dollars for their own budget balancing, paying for roads and prisons.

Second, Mr. Speaker, I want the record to be clear that the State of Louisiana has not underspent because they were more efficient and gave better care than other States in the rest of the Nation.

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

Mr. WAXMAN. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, the State of Louisiana is going to increase the budget deficit in the following fiscal year, the next fiscal year, and the year after that by $300 million each year, and God knows how much more after that.

Mr. WAXMAN. They are not being rewarded for their good deeds, Mr. Speaker, they are being rewarded for their bad deeds, by the power of those in their delegation that have been able to exact this special pork barrel treatment for the State of Louisiana.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I think I have a better understanding now why the Republicans did not want to have the line-item veto apply this year. It was this type of provision, this type of provision that allows the State of Louisiana and the State of New Hampshire to benefit at the expenses of taxpayers throughout this country. It should not be in this bill, it should never have been put in this bill, and it is a disgrace that we have this in a bill at a time when we are trying to work together to bridge the gap between the two sides of this House. I am ashamed that we have this in this bill, and I am sorry it is here. This was a good faith attempt by Members on our side of the aisle to reach a compromise.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, I would point out first that a previous speaker had talked about cuts in this budget on the floor here right now to the veterans hospital medical care delivery system. Let me assure the gentleman that this advocate for veterans will guarantee the gentleman that there is $400 million more in this budget than there was last year. It is the only increase in the entire part of this budget.

Mr. Speaker, second, let me just say this. I introduced a balanced budget on this floor a number of years ago which called for a balanced budget in 5 years. I had one on the floor last year that did the same thing. One Member said to me, ''JERRY, how can you vote for this, when it does not really cut as much as you wanted it to?''

I am voting for it because it truly does put us on the road to a balanced budget. We are within this glide path. That is why JERRY SOLOMON is going to vote for this bill today. It shrinks the size and the power and the role of this Federal Government. It returns it to the States. It puts us on an irreversible path towards that philosophy.

I urge all of the Members to come over here, vote for this bill right now; vote for the rule, and then vote for the bill. The American people want you to do it.

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that another Member may be permitted to speak.

Mr. SOLOMON. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. LAHOOD). Objection is heard.

Without objection, the previous question is ordered on the resolution.

There was no objection.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LIVINGSTON. Mr. Speaker, pursuant to House Resolution 415, I call up the conference report on the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 415, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today, Thursday, April 25, 1996.)

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] will each control 30 minutes.

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

□ 1515

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 conference report to accompany H.R. 3019, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman form Louisiana?

There was no objection.

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

Mr. Speaker, this conference report on H.R. 3019 wraps up all the appropriations matters for fiscal year 1996. I hope that this is lucky No. 14, because that is the number of temporary funding bills that we have had to get to this final measure. It is well past time to closeout all matters and move on to fiscal year 1997. Its budget debate will begin next week. In fact, it is 6 months past time.

This conference agreement honors the commitment of the Committee on Appropriations to reduce discretionary spending and put this country on a path to a balanced budget. It contains $163.7 billion in gross spending, lest anybody says there is not enough money in this bill, with $4.34 billion in offsets, for a net spending total of $159.37 billion in total spending.

This amount will cause overall appropriations to be $30 billion below the President's request and $23 billion below last year. When we add the $11 billion net savings from our rescission bill last year, actually $20 billion aggregate savings, we have cut discretionary spending by a net total of roughly $34 billion in 16 months. In the aggregate, it is about $43 billion.

These numbers represent the termination of more than 200, two-zero-zero, 200 wasteful programs and bureaucracies. They represent a slowing down of increases in other programs. They represent a realignment of priorities, and they respect the funding priorities of the White House, the Senate, and the minority party as well.

For our part, we went into conference with the Senate determined to pay for all increases in spending, and I am pleased to tell the members that all increases proposed by the Senate are paid for. I am pleased to tell the members that $1.3 billion in disaster assistance supplementals are fully paid for; funding for Bosnia, for the floods in the Northwest, for anti-terrorism, and for additional assistance toward peace in the Middle East, are all paid for, not borrowed against the future, not added to last year's bill, but paid for.

By law we did not have to do this, but that has been our policy, and we have continuously for the last 16 months abided by that policy.

I am pleased to tell the Members that we provided $1 billion to national security priorities for our 40,000 troops in the Bosnia theater and $120 million to support the Mideast peace activities, again all paid for.

In summary, by paying for all increases in spending, we have produced a bill that is still below our budget caps and, for a $163 billion bill, that is a significant achievement.

Much of the controversy in this bill surrounds the environmental issues. It was the area of intense compromise, with roughly 7 issues on the table. Each represented a unique problem.

First, we retained the House language regarding the Mt. Graham red squirrel. We gave the President waiver authority we do not believe he will need in the contentious Tongass and Mojave and endangered species issues. We modified the Columbia River Basin language. We dropped the timber provision that the Clinton administration originally indicated they wanted, and we dropped wetlands language which we thought addressed a redundancy in the EPA/Corps wetland permitting process.

These were compromises, I stress, compromises. They were done in conjunction with the demands by the White House, but they were not everything that the White House wanted. They were compromises. They make everyone and no one happy, and in truth, most of these issues will be revisited again in a few short weeks as we commence the fiscal year 1997 bills.

I might add this bill reflects a number of priorities critical to Members on my side of the aisle. The Senate population language is dropped, underscore, dropped, and the medical school accreditation provision which has been so objectionable to those in the right-to-life community, again, was made permanent law for the first time, satisfying in both instances the people who are totally opposed to the concept of abortion.

I also regret that the cap on the student loan volume was dropped. Again, that was in a matter of compromise, and I would hope that the Committee on Economic and Educational Opportunities would be able to address that condition and correct that anomaly as soon as possible.

I would call our Members' attention to the reaffirmation of our commitment to our active veterans by increasing—I heard the word cut, that is absurd—increasing the medical care programs for veterans by $400 million above what was provided last year. The President in his budget, which was not altogether realistic, might have said that he wanted more money than that. This is a $400 million increase above last year.

And we funded NASA and the Space Shuttle Program, and we made a tremendous investment in our Nation's fight against crime.

Mr. Speaker, I want to say that this was a compromise. We could not have this finished product without the dedicated work and steadfast assistance—although he adhered to his own philosophical and deep-seated feelings that our side of the aisle is wrong and his side of the aisle is right—we could not have succeeded in reaching a conclusion without my colleague and friend,

the ranking minority member of the Committee on Appropriations and the former chairman, the gentleman from Wisconsin [Mr. OBEY]. By all measurements, we are indeed an interesting team, but we have respected each other's priorities. We have communicated. We have worked well, separately and together.

I also want to say that it has been a joy to work not only with Mr. OBEY at the table but with Senator HATFIELD, whom I will miss greatly when he retires, and to acknowledge the support and leadership and steadfast dedication to conclusion of this effort by Senator Robert Byrd.

As well, I would say that frankly Mr. Panetta was a tough opponent in these negotiations, but it was a pleasure to work with him. I am glad for that because he came to the table with the intent to conclude this affair. We did reach a conclusion and I think one that all Americans can be satisfied with.

Mr. Speaker, 20 years from now when the American people look back on this, when our children and our grandchildren look back at this point in history, they will not remember what happened to these issues that I have touched on, not one of them. They will not remember what they were. They will not give a darn.

But they are going to look to those charts that show Government growing incessantly year after year after year up until 1995, and all of a sudden see it start to decline. That is what we have contributed to, $43 billion in savings in aggregating fiscal year 1995 and fiscal year 1996. We have started the trend to follow up on the words of the President of the United States when he stood right where you sit, Mr. Speaker, and he said, ''The era of big government is now over.''

We are taking him at his word. The world has changed. We are headed in the right direction with this bill, which is a compromise. It is the best compromise we can get. It is supported by our leadership in the House and Senate as well as the White House, and I urge its adoption.

Mr. Speaker, at this point in the RECORD I would like to insert several tables showing the details of the amounts in this conference agreement.

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expense: 1/						
Direct appropriation	119,643,000	73,229,000	74,282,000	74,282,000	74,282,000	-45,361,000
Crime trust fund	17,400,000	15,500,000	.....	.....	.....	-17,400,000
Total, Salaries and expenses	137,043,000	88,729,000	74,282,000	74,282,000	74,282,000	-62,761,000
Working capital fund (rescission)	-5,500,000	.....	.....	.....	.....	+5,500,000
Counterterrorism fund	34,220,000	26,398,000	16,898,000	16,898,000	16,898,000	-17,322,000
Administrative review and appeals: 1/						
Direct appropriation	.....	54,336,000	38,886,000	38,886,000	38,886,000	+38,886,000
Crime trust fund	.....	33,180,000	47,780,000	47,780,000	47,780,000	+47,780,000
Total, Administrative review and appeals	.....	87,516,000	86,666,000	86,666,000	86,666,000	+86,666,000
Office of Inspector General	30,484,000	36,744,000	28,960,000	28,960,000	28,960,000	-1,524,000
Total, General administration	196,247,000	239,387,000	206,806,000	206,806,000	206,806,000	+10,559,000
Appropriations	(184,347,000)	(190,707,000)	(159,026,000)	(159,026,000)	(159,026,000)	(-25,321,000)
Crime trust fund	(17,400,000)	(48,680,000)	(47,780,000)	(47,780,000)	(47,780,000)	(+30,380,000)
United States Parole Commission						
Salaries and expenses	7,450,000	6,781,000	5,446,000	5,446,000	5,446,000	-2,004,000
Legal Activities						
General legal activities:						
Direct appropriation	416,834,000	437,060,000	401,929,000	401,929,000	401,929,000	-14,905,000
(By transfer)	.....	.....	(12,000,000)	(12,000,000)	(12,000,000)	(+12,000,000)
Crime trust fund	4,600,000	7,591,000	7,591,000	7,591,000	7,591,000	+2,991,000
Total, General legal activities	(421,434,000)	(444,651,000)	(421,520,000)	(421,520,000)	(421,520,000)	(+86,000)
Vaccine injury compensation trust fund	2,500,000	4,028,000	4,028,000	4,028,000	4,028,000	+1,528,000
Independent counsel (permanent, indefinite)	4,000,000	2,884,000	2,884,000	2,884,000	2,884,000	-1,116,000
Civil liberties public education fund	5,000,000	5,000,000	.....	.....	.....	-5,000,000
Antitrust Division	85,143,000	91,752,000	85,143,000	85,143,000	85,143,000	.....
Offsetting fee collections - carryover	-4,500,000	.....	-19,360,000	-19,360,000	-19,360,000	-14,860,000
Offsetting fee collections - current year	-39,640,000	-48,262,000	-48,262,000	-48,262,000	-48,262,000	-8,622,000
Direct appropriation	41,003,000	43,490,000	17,521,000	17,521,000	17,521,000	-23,482,000
United States Attorneys:						
Direct appropriation	828,024,000	909,463,000	895,509,000	895,509,000	895,509,000	+66,485,000
Emergency appropriations (P.L. 104-19)	2,000,000	.....	.....	.....	.....	-2,000,000
Violent crime task force	15,000,000	15,000,000	.....	.....	.....	-15,000,000
Crime trust fund	6,600,000	14,731,000	30,000,000	30,000,000	30,000,000	+23,200,000
Total, United States Attorneys	852,624,000	939,194,000	925,509,000	925,509,000	925,509,000	+72,885,000
United States Trustee System Fund	103,183,000	109,245,000	102,390,000	102,390,000	102,390,000	-793,000
Offsetting fee collections	-40,597,000	-44,191,000	-44,191,000	-44,191,000	-44,191,000	-3,594,000
Direct appropriation	62,586,000	65,054,000	58,199,000	58,199,000	58,199,000	-4,387,000
Foreign Claims Settlement Commission	830,000	905,000	830,000	830,000	830,000	.....
United States Marshals Service:						
Direct appropriation	396,782,000	446,887,000	423,248,000	423,248,000	423,248,000	+26,466,000
Crime trust fund	.....	16,500,000	25,000,000	25,000,000	25,000,000	+25,000,000
Total, United States Marshals Service	396,782,000	463,387,000	448,248,000	448,248,000	448,248,000	+51,466,000
Federal Prisoner Detention	296,753,000	295,331,000	252,820,000	252,820,000	252,820,000	-43,933,000
(Prior year carryover)	.....	.....	(33,511,000)	(33,511,000)	(33,511,000)	(+33,511,000)
(By transfer)	.....	.....	(9,000,000)	(9,000,000)	(9,000,000)	(+9,000,000)
Total, Federal prisoner detention	(296,753,000)	(295,331,000)	(295,331,000)	(295,331,000)	(295,331,000)	(-1,422,000)
Fees and expenses of witnesses	77,982,000	85,000,000	85,000,000	85,000,000	85,000,000	+7,018,000
Community Relations Service 2/	20,379,000	20,695,000	5,319,000	5,319,000	5,319,000	-15,060,000
Assets forfeiture fund	50,000,000	55,000,000	30,000,000	30,000,000	30,000,000	-20,000,000
Total, Legal activities	2,232,673,000	2,424,619,000	2,239,878,000	2,239,878,000	2,239,878,000	+7,605,000
Appropriations	(2,220,673,000)	(2,385,797,000)	(2,177,287,000)	(2,177,287,000)	(2,177,287,000)	(-43,386,000)
Crime trust fund	(11,400,000)	(38,822,000)	(62,591,000)	(62,591,000)	(62,591,000)	(+51,191,000)

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Radiation Exposure Compensation						
Administrative expenses	2,655,000	2,655,000	2,655,000	2,655,000	2,655,000	.....
Advance appropriation	.....	2,655,000	.....	.....	.....	.....
Payment to radiation exposure compensation trust fund	.....	16,264,000	.....	.....	.....	.....
Advance appropriation	.....	30,000,000	16,264,000	16,264,000	16,264,000	+16,264,000
Total, Radiation Exposure Compensation	2,655,000	51,574,000	18,919,000	18,919,000	18,919,000	+16,264,000
Interagency Law Enforcement						
Interagency crime and drug enforcement	374,943,000	378,473,000	359,843,000	359,843,000	359,843,000	-15,100,000
Federal Bureau of Investigation						
Salaries and expenses	2,038,774,000	2,305,387,000	2,002,438,000	2,002,438,000	2,002,438,000	-36,336,000
(By transfer)	.....	.....	(22,000,000)	(22,000,000)	(22,000,000)	(+22,000,000)
Emergency appropriations (P.L. 104-19)	77,140,000	.....	.....	.....	.....	-77,140,000
Counterintelligence and national security	80,421,000	82,224,000	102,345,000	102,345,000	102,345,000	+21,924,000
FBI Fingerprint identification	84,400,000	84,400,000	84,400,000	84,400,000	84,400,000	.....
Digital telephony (crime trust fund)	.....	33,400,000	33,400,000	33,400,000	33,400,000	+33,400,000
Other initiatives (crime trust fund)	.....	13,100,000	184,900,000	184,900,000	184,900,000	+184,900,000
Construction	.....	99,259,000	97,589,000	97,589,000	97,589,000	+97,589,000
FBI State compatibility	.....	.....	.....	11,800,000	.....	.....
Total, Federal Bureau of Investigation	2,280,735,000	2,617,770,000	2,505,072,000	2,516,872,000	2,505,072,000	+224,337,000
Appropriations	(2,280,735,000)	(2,571,270,000)	(2,286,772,000)	(2,298,572,000)	(2,286,772,000)	(+6,037,000)
Crime trust fund	.....	(46,500,000)	(218,300,000)	(218,300,000)	(218,300,000)	(+218,300,000)
Drug Enforcement Administration						
Salaries and expenses	799,944,000	845,409,000	792,909,000	797,409,000	797,409,000	-2,535,000
Diversion control fund	-43,431,000	-47,241,000	-47,241,000	-47,241,000	-47,241,000	-3,810,000
Direct appropriation	756,513,000	798,168,000	745,668,000	750,168,000	750,168,000	-6,345,000
Crime trust fund	.....	12,000,000	60,000,000	60,000,000	60,000,000	+60,000,000
Total, Drug Enforcement Administration	756,513,000	810,168,000	805,668,000	810,168,000	810,168,000	+53,655,000
Immigration and Naturalization Service						
Salaries and expenses:						
Direct appropriation	1,101,475,000	1,453,471,000	1,394,825,000	1,394,825,000	1,394,825,000	+293,350,000
Border Patrol:						
Direct appropriation (earmark)	.....	.....	(506,800,000)	(506,800,000)	(506,800,000)	(+506,800,000)
Crime trust fund (earmark)	.....	.....	(75,765,000)	(75,765,000)	(75,765,000)	(+75,765,000)
New offsetting fees	.....	.....	.....	.....	.....	.....
Subtotal, Border patrol	.....	.....	(582,565,000)	(582,565,000)	(582,565,000)	(+582,565,000)
Immigration initiative (crime trust fund)	100,600,000	335,498,000	162,628,000	162,628,000	162,628,000	+62,028,000
Border control system modernization (crime trust fund)	154,600,000	.....	153,570,000	153,570,000	153,570,000	-1,030,000
Subtotal, Direct and crime trust fund	(1,356,675,000)	(1,788,969,000)	(1,711,023,000)	(1,711,023,000)	(1,711,023,000)	(+354,348,000)
Fee accounts:						
Immigration legalization fund	(3,482,000)	(1,823,000)	(1,823,000)	(1,823,000)	(1,823,000)	(-1,659,000)
Immigration user fee	(330,952,000)	(357,084,000)	(357,084,000)	(357,084,000)	(357,084,000)	(+26,132,000)
Land border inspection fund	(1,584,000)	(5,965,000)	(5,965,000)	(5,965,000)	(5,965,000)	(+4,381,000)
Immigration examinations fund	(291,097,000)	(304,572,000)	(440,160,000)	(440,160,000)	(440,160,000)	(+149,063,000)
Cuban/Haitian resettlement (examinations fund)	.....	.....	(10,057,000)	(10,057,000)	(10,057,000)	(+10,057,000)
Breached bond fund	(6,200,000)	(6,358,000)	(6,358,000)	(6,358,000)	(6,358,000)	(+158,000)
Subtotal, Fee accounts	(633,315,000)	(675,802,000)	(821,447,000)	(821,447,000)	(821,447,000)	(+188,132,000)
Construction	50,000,000	.....	25,000,000	25,000,000	25,000,000	-25,000,000
Immigration Emergency Fund	30,000,000	.....	.....	.....	.....	-30,000,000
Total, Immigration and Naturalization Service	(2,069,990,000)	(2,464,771,000)	(2,557,470,000)	(2,557,470,000)	(2,557,470,000)	(+487,480,000)
Appropriations	(1,161,475,000)	(1,453,471,000)	(1,419,825,000)	(1,419,825,000)	(1,419,825,000)	(+238,350,000)
Crime trust fund	(255,200,000)	(335,498,000)	(316,198,000)	(316,198,000)	(316,198,000)	(+60,998,000)
(Fee accounts)	(633,315,000)	(675,802,000)	(821,447,000)	(821,447,000)	(821,447,000)	(+188,132,000)
Federal Prison System						
Salaries and expenses	2,353,597,000	2,630,259,000	2,614,578,000	2,614,578,000	2,614,578,000	+260,981,000
Prior year carryover	-30,000,000	.....	-47,000,000	-47,000,000	-47,000,000	-17,000,000
Direct appropriation	2,323,597,000	2,630,259,000	2,567,578,000	2,567,578,000	2,567,578,000	+243,981,000
Crime trust fund	.....	13,500,000	13,500,000	13,500,000	13,500,000	+13,500,000
Total, Salaries and expenses	2,323,597,000	2,643,759,000	2,581,078,000	2,581,078,000	2,581,078,000	+257,481,000
National Institute of Corrections	10,302,000	10,158,000	.....	.....	.....	-10,302,000
Buildings and facilities	276,301,000	323,728,000	334,728,000	334,728,000	334,728,000	+58,427,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
Total, Federal Prison System	2,610,200,000	2,977,645,000	2,915,806,000	2,915,806,000	2,915,806,000	+305,606,000
Office of Justice Programs						
Justice Assistance:						
Direct appropriation	97,977,000	102,345,000	99,977,000	99,977,000	99,977,000	+2,000,000
Crime trust fund:						
Violence Against Women Grants	26,000,000	174,900,000	174,500,000	174,500,000	174,500,000	+148,500,000
Rural law enforcement		10,252,000				
Model intensive prevention		48,216,000				
State prison drug treatment		27,000,000	27,000,000	27,000,000	27,000,000	+27,000,000
Other crime control programs		4,426,000	900,000	900,000	900,000	+900,000
Subtotal, Crime trust fund	26,000,000	264,794,000	202,400,000	202,400,000	202,400,000	+176,400,000
Total, Justice Assistance	123,977,000	367,139,000	302,377,000	302,377,000	302,377,000	+178,400,000
State and local law enforcement assistance:						
Direct appropriations:						
Byrne grants (discretionary)	62,000,000	50,000,000	60,000,000	60,000,000	60,000,000	-2,000,000
Byrne grants (formula)		190,000,000	328,000,000	328,000,000	328,000,000	+328,000,000
Weed and seed fund (direct)	13,456,000	5,000,000				-13,456,000
Weed and seed fund (earmarked)			(28,500,000)	(28,500,000)	(28,500,000)	(+28,500,000)
Subtotal, Direct appropriations	75,456,000	245,000,000	388,000,000	388,000,000	388,000,000	+312,544,000
Crime trust fund:						
Byrne grants (formula)	450,000,000	260,000,000	147,000,000	147,000,000	147,000,000	-303,000,000
Community policing (direct)	1,300,000,000	1,902,964,000			1,400,000,000	+100,000,000
Community policing (earmark)				(975,000,000)		
Police corps (earmark)				(10,000,000)	(10,000,000)	(+10,000,000)
Local law enforcement block grant			1,903,000,000	1,903,000,000	503,000,000	+503,000,000
Drug Courts (earmark)				(25,000,000)	(18,000,000)	(+18,000,000)
Boys and Girls clubs (earmark)				(20,000,000)	(11,000,000)	(+11,000,000)
D.C. Police (earmark)				(20,000,000)	(15,000,000)	(+15,000,000)
Crime prevention (earmark)				(80,000,000)		
Subtotal, State and local block grants	1,750,000,000	2,162,964,000	2,050,000,000	2,050,000,000	2,050,000,000	+300,000,000
Upgrade criminal history records	100,000,000	25,000,000	25,000,000	25,000,000	25,000,000	-75,000,000
State prison grants	24,500,000	500,000,000	617,500,000	617,500,000	617,500,000	+593,000,000
State criminal alien assistance program	130,000,000	300,000,000	300,000,000	300,000,000	300,000,000	+170,000,000
Youthful offender incarceration		9,643,000				
Drug Courts (direct)	11,900,000	150,000,000				-11,900,000
Ounce of Prevention Council	1,500,000					-1,500,000
Crime prevention (direct)		30,000,000				
Other crime control programs		26,799,000	12,700,000	12,700,000	12,700,000	+12,700,000
Subtotal, Crime trust fund	2,017,900,000	3,204,406,000	3,005,200,000	3,005,200,000	3,005,200,000	+987,300,000
Total, State and local law enforcement	2,093,356,000	3,449,406,000	3,393,200,000	3,393,200,000	3,393,200,000	+1,299,844,000
Juvenile justice programs	155,250,000	148,500,000	148,500,000	148,500,000	148,500,000	-6,750,000
Public safety officers benefits program:						
Death benefits	27,645,000	28,474,000	28,474,000	28,474,000	28,474,000	+829,000
Disability benefits	2,072,000	2,134,000	2,134,000	2,134,000	2,134,000	+62,000
Total, Office of Justice Programs	2,402,300,000	3,995,653,000	3,874,685,000	3,874,685,000	3,874,685,000	+1,472,385,000
Appropriations	(358,400,000)	(526,453,000)	(667,085,000)	(667,085,000)	(667,085,000)	(+308,685,000)
Crime trust fund	(2,043,900,000)	(3,469,200,000)	(3,207,600,000)	(3,207,600,000)	(3,207,600,000)	(+1,163,700,000)
Total, title I, Department of Justice	12,299,791,000	15,291,039,000	14,668,146,000	14,684,446,000	14,672,646,000	+2,372,855,000
Appropriations	(9,977,391,000)	(11,326,839,000)	(10,742,177,000)	(10,758,477,000)	(10,746,677,000)	(+769,286,000)
Crime trust fund	(2,327,900,000)	(3,964,200,000)	(3,925,969,000)	(3,925,969,000)	(3,925,969,000)	(+1,598,069,000)
(Limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	20,949,000	20,949,000	20,889,000	20,889,000	20,889,000	-60,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
International Trade Commission						
Salaries and expenses	42,500,000	47,177,000	40,000,000	40,000,000	40,000,000	-2,500,000
Total, Related agencies	63,449,000	68,126,000	60,889,000	60,889,000	60,889,000	-2,560,000
International Trade Administration						
Operations and administration	266,093,000	279,558,000	264,885,000	264,885,000	264,885,000	-1,208,000
Export Administration						
Operations and administration	38,644,000	48,441,000	38,604,000	38,604,000	38,604,000	-40,000
Economic Development Administration						
Economic development assistance programs	382,783,000	407,783,000	328,500,000	328,500,000	328,500,000	-54,283,000
Emergency rescission (P.L. 104-19)	-5,250,000	.....	.....	.....	.....	+5,250,000
Salaries and expenses	32,144,000	31,183,000	20,000,000	20,000,000	20,000,000	-12,144,000
Total, Economic Development Administration	409,677,000	438,966,000	348,500,000	348,500,000	348,500,000	-61,177,000
Minority Business Development Agency						
Minority business development	43,789,000	47,921,000	32,000,000	32,000,000	32,000,000	-11,789,000
United States Travel and Tourism Administration						
Salaries and expenses (P.L. 104-99)	16,328,000	16,303,000	2,000,000	2,000,000	2,000,000	-14,328,000
Total, Trade and Infrastructure Development	837,980,000	899,315,000	746,878,000	746,878,000	746,878,000	-91,102,000
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	46,896,000	57,220,000	45,900,000	45,900,000	45,900,000	-996,000
Economics and statistics administration revolving fund	1,677,000	.....	.....	.....	.....	-1,677,000
Bureau of the Census						
Salaries and expenses	136,000,000	144,812,000	133,812,000	133,812,000	133,812,000	-2,188,000
Periodic censuses and programs	142,083,000	193,450,000	150,300,000	150,300,000	150,300,000	+8,217,000
Total, Bureau of the Census	278,083,000	338,262,000	284,112,000	284,112,000	284,112,000	+6,029,000
National Telecommunications and Information Administration						
Salaries and expenses	20,961,000	22,932,000	17,000,000	17,000,000	17,000,000	-3,961,000
Public broadcasting facilities, planning and construction	28,983,000	7,959,000	15,500,000	15,500,000	15,500,000	-13,483,000
Endowment for Children's Educational Television	2,499,000	2,502,000	.....	.....	.....	-2,499,000
Information infrastructure grants	44,962,000	99,912,000	21,500,000	21,500,000	21,500,000	-23,462,000
Total, National Telecommunications and Information Administration	97,405,000	133,305,000	54,000,000	54,000,000	54,000,000	-43,405,000
Patent and Trademark Office						
Salaries and expenses	82,324,000	110,868,000	82,324,000	82,324,000	82,324,000	.....
Total, Economic and Information Infrastructure	506,385,000	639,655,000	466,336,000	466,336,000	466,336,000	-40,049,000
SCIENCE AND TECHNOLOGY						
National Institute of Standards and Technology						
Scientific and technical research and services	247,486,000	310,679,000	259,000,000	259,000,000	259,000,000	+11,514,000
Industrial technology services	418,373,000	642,458,000	80,000,000	80,000,000	301,000,000	-117,373,000
Construction of research facilities	34,639,000	69,913,000	60,000,000	60,000,000	60,000,000	+25,361,000
Total, National Institute of Standards and Technology	700,498,000	1,023,050,000	399,000,000	399,000,000	620,000,000	-80,498,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities 3/	1,805,092,000	2,021,135,000	1,795,677,000	1,802,677,000	1,795,677,000	-9,415,000
Offsetting collections - fees	-6,000,000	-3,000,000	-3,000,000	-3,000,000	-3,000,000	+3,000,000
Direct appropriation	1,799,092,000	2,018,135,000	1,792,677,000	1,799,677,000	1,792,677,000	-6,415,000
(By transfer from Promote and Develop Fund)	(55,500,000)	(55,500,000)	(63,000,000)	(63,000,000)	(63,000,000)	(+7,500,000)
(By transfer from Damage assessment & restoration revolving fund, permanent)	8,500,000	3,900,000	3,900,000	3,900,000	3,900,000	-4,600,000
(Damage assessment & restoration revolving fund)	-1,500,000	-3,900,000	-3,900,000	-3,900,000	-3,900,000	-2,400,000
Total, Operations, research and facilities	1,806,092,000	2,018,135,000	1,792,677,000	1,799,677,000	1,792,677,000	-13,415,000
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	.....
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	.....

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Construction	82,254,000	52,299,000	50,000,000	50,000,000	50,000,000	-32,254,000
Fleet modernization, shipbuilding and conversion	22,936,000	23,347,000	8,000,000	8,000,000	8,000,000	-14,936,000
GOES satellite contingency fund (rescission)	-2,500,000					+2,500,000
Fishing vessel and gear damage fund	1,273,000	1,282,000	1,032,000	1,032,000	1,032,000	-241,000
Fishermen's contingency fund	999,000	1,000,000	999,000	999,000	999,000	
Foreign fishing observer fund	400,000	396,000	196,000	196,000	196,000	-204,000
Fishing vessel obligations guarantees	250,000	250,000	250,000	250,000	250,000	
Total, National Oceanic and Atmospheric Administration	1,911,704,000	2,096,709,000	1,853,154,000	1,860,154,000	1,853,154,000	-58,550,000
Technology Administration						
Salaries and expenses	8,242,000	13,906,000	5,000,000	5,000,000	7,000,000	-1,242,000
National Technical Information Service						
NTIS revolving fund	7,000,000					-7,000,000
Total, Science and Technology	2,627,444,000	3,133,665,000	2,257,154,000	2,264,154,000	2,480,154,000	-147,290,000
General Administration						
Salaries and expenses	36,471,000	35,826,000	29,100,000	29,100,000	29,100,000	-7,371,000
Office of Inspector General	16,887,000	22,249,000	19,849,000	19,849,000	19,849,000	+2,962,000
Total, General administration	53,358,000	58,075,000	48,949,000	48,949,000	48,949,000	-4,409,000
National Institute of Standards and Technology						
Construction of research facilities (rescission)			-75,000,000	-75,000,000	-75,000,000	-75,000,000
Total, Department of Commerce	3,961,718,000	4,662,584,000	3,383,428,000	3,390,428,000	3,606,428,000	-355,290,000
Total, title II, Department of Commerce and related agencies	4,025,167,000	4,730,710,000	3,444,317,000	3,451,317,000	3,667,317,000	-357,850,000
(By transfer)	(55,500,000)	(55,500,000)	(63,000,000)	(63,000,000)	(63,000,000)	(+7,500,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,657,000	1,662,000	1,662,000	1,662,000	1,662,000	+5,000
Other salaries and expenses	22,583,000	24,172,000	24,172,000	24,172,000	24,172,000	+1,589,000
Total, Salaries and expenses	24,240,000	25,834,000	25,834,000	25,834,000	25,834,000	+1,594,000
Care of the building and grounds	3,000,000	4,003,000	3,313,000	3,313,000	3,313,000	+313,000
Total, Supreme Court of the United States	27,240,000	29,837,000	29,147,000	29,147,000	29,147,000	+1,907,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,758,000	1,892,000	1,892,000	1,892,000	1,892,000	+134,000
Other salaries and expenses	11,680,000	13,603,000	12,396,000	12,396,000	12,396,000	+716,000
Total, Salaries and expenses	13,438,000	15,495,000	14,288,000	14,288,000	14,288,000	+850,000
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,385,000	1,413,000	1,413,000	1,413,000	1,413,000	+28,000
Other salaries and expenses	9,300,000	9,446,000	9,446,000	9,446,000	9,446,000	+146,000
Total, Salaries and expenses	10,685,000	10,859,000	10,859,000	10,859,000	10,859,000	+174,000
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	220,428,000	226,024,000	226,024,000	226,024,000	226,024,000	+5,596,000
Other salaries and expenses	2,119,699,000	2,419,941,000	2,207,117,000	2,207,117,000	2,207,117,000	+87,418,000
Direct appropriation	2,340,127,000	2,645,965,000	2,433,141,000	2,433,141,000	2,433,141,000	+93,014,000
Crime trust fund		30,700,000	30,000,000	30,000,000	30,000,000	+30,000,000
Total, Salaries and expenses	2,340,127,000	2,676,665,000	2,463,141,000	2,463,141,000	2,463,141,000	+123,014,000
Vaccine Injury Compensation Trust Fund	2,250,000	2,320,000	2,318,000	2,318,000	2,318,000	+68,000
Defender services	240,500,000	295,761,000	267,217,000	267,217,000	267,217,000	+26,717,000
Fees of jurors and commissioners	54,346,000	72,008,000	59,028,000	59,028,000	59,028,000	+4,682,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Court security	97,000,000	116,433,000	102,000,000	102,000,000	102,000,000	+5,000,000
Emergency appropriations (P.L. 104-19)	16,640,000					-16,640,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	2,750,863,000	3,163,187,000	2,893,704,000	2,893,704,000	2,893,704,000	+142,841,000
Administrative Office of the United States Courts						
Salaries and expenses	47,500,000	53,445,000	47,500,000	47,500,000	47,500,000	
Federal Judicial Center						
Salaries and expenses	18,828,000	20,771,000	17,914,000	17,914,000	17,914,000	-914,000
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	28,475,000	32,900,000	32,900,000	32,900,000	32,900,000	+4,425,000
United States Sentencing Commission						
Salaries and expenses	8,800,000	9,500,000	8,500,000	8,500,000	8,500,000	-300,000
Total, title III, the Judiciary	2,905,829,000	3,335,994,000	3,054,812,000	3,054,812,000	3,054,812,000	+148,983,000
Appropriations	(2,905,829,000)	(3,305,294,000)	(3,024,812,000)	(3,024,812,000)	(3,024,812,000)	(+118,983,000)
Crime trust fund		(30,700,000)	(30,000,000)	(30,000,000)	(30,000,000)	(+30,000,000)
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	1,724,628,000	1,748,438,000	1,708,800,000	1,708,800,000	1,708,800,000	-15,828,000
Security enhancements		9,720,000	9,720,000	9,720,000	9,720,000	+9,720,000
Registration fees	700,000	700,000	700,000	700,000	700,000	
Total, Diplomatic and consular programs	1,725,328,000	1,758,858,000	1,719,220,000	1,719,220,000	1,719,220,000	-6,108,000
Salaries and expenses	383,972,000	372,480,000	363,276,000	363,276,000	363,276,000	-20,696,000
Security enhancements		1,870,000	1,870,000	1,870,000	1,870,000	+1,870,000
Total, Salaries and expenses	383,972,000	374,350,000	365,146,000	365,146,000	365,146,000	-18,826,000
Capital investment fund		32,800,000	16,400,000	16,400,000	16,400,000	+16,400,000
Office of Inspector General	23,850,000	24,250,000	27,369,000	27,369,000	27,369,000	+3,519,000
Representation allowances	4,780,000	4,800,000	4,500,000	4,500,000	4,500,000	-280,000
Protection of foreign missions and officials	9,579,000	8,579,000	8,579,000	8,579,000	8,579,000	-1,000,000
Security and maintenance of United States missions	391,760,000	421,760,000	385,760,000	385,760,000	385,760,000	-6,000,000
Emergencies in the diplomatic and consular service	6,500,000	6,000,000	6,000,000	6,000,000	6,000,000	-500,000
Repatriation Loans Program Account:						
Direct loans subsidy	593,000	593,000	593,000	593,000	593,000	
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)	(741,000)	(741,000)	
Administrative expenses	183,000	183,000	183,000	183,000	183,000	
Total, Repatriation loans program account	776,000	776,000	776,000	776,000	776,000	
Payment to the American Institute in Taiwan	15,465,000	15,465,000	15,165,000	15,165,000	15,165,000	-300,000
Payment to the Foreign Service Retirement and Disability Fund	129,321,000	125,402,000	125,402,000	125,402,000	125,402,000	-3,919,000
Total, Administration of Foreign Affairs	2,691,331,000	2,773,040,000	2,674,317,000	2,674,317,000	2,674,317,000	-17,014,000
International Organizations and Conferences						
Contributions to international organizations, current year assessment	872,661,000	923,057,000	700,000,000	700,000,000	892,000,000	+19,339,000
Contributions for international peacekeeping activities, current year assessment	518,687,000	445,000,000	225,000,000	225,000,000	359,000,000	-159,687,000
International conferences and contingencies	6,000,000	6,000,000	3,000,000	3,000,000	3,000,000	-3,000,000
Total, International Organizations and Conferences	1,397,348,000	1,374,057,000	928,000,000	928,000,000	1,254,000,000	-143,348,000
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	12,858,000	13,858,000	12,058,000	12,058,000	12,058,000	-800,000
Construction	6,644,000	10,398,000	6,644,000	6,644,000	6,644,000	
American sections, international commissions	5,800,000	6,290,000	5,800,000	5,800,000	5,800,000	
International fisheries commissions	14,669,000	14,669,000	14,669,000	14,669,000	14,669,000	
Total, International commissions	39,971,000	45,215,000	39,171,000	39,171,000	39,171,000	-800,000
Other						
Payment to the Asia Foundation	10,000,000	10,000,000	5,000,000	5,000,000	5,000,000	-5,000,000
Appropriation (FY 1995 Defense Bill, P.L. 103-335)	5,000,000					-5,000,000
Total, Department of State	4,143,650,000	4,202,312,000	3,646,488,000	3,646,488,000	3,972,488,000	-171,162,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	50,378,000	76,300,000	32,700,000	35,700,000	38,700,000	-11,678,000
Board for International Broadcasting						
Israel Relay Station (rescission)	-2,000,000					+2,000,000
United States Information Agency						
Salaries and expenses	475,645,000	496,002,000	445,645,000	445,645,000	445,645,000	-30,000,000
Technology fund		10,100,000	5,050,000	5,050,000	5,050,000	+5,050,000
Office of Inspector General	4,300,000	4,593,000				-4,300,000
Educational and cultural exchange programs	233,279,000	252,676,000	200,000,000	200,000,000	200,000,000	-33,279,000
Transfer (FY 1995 Foreign Ops Bill, P.L. 103-336)	42,000,000					-42,000,000
Subtotal	275,279,000	252,676,000	200,000,000	200,000,000	200,000,000	-75,279,000
Eisenhower Exchange Fellowship Program, trust fund	2,800,000	300,000	509,000	509,000	509,000	-2,291,000
Israeli Arab scholarship program	397,000	397,000	397,000	397,000	397,000	
International Broadcasting Operations 4/	475,363,000	395,340,000	325,191,000	325,191,000	325,191,000	-150,172,000
Radio Free Asia:						
Operations (direct)	5,000,000					-5,000,000
Operations (earmarked)		(10,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)
Broadcasting to Cuba (direct)	24,809,000		24,809,000	24,809,000	24,809,000	
Broadcasting to Cuba (earmarked)		(26,063,000)				
Radio construction	69,314,000	85,919,000	40,000,000	40,000,000	40,000,000	-29,314,000
East-West Center	24,500,000	20,000,000	11,750,000	11,750,000	11,750,000	-12,750,000
North/South Center	4,000,000	1,000,000	2,000,000	2,000,000	2,000,000	-2,000,000
National Endowment for Democracy	34,000,000	34,000,000	30,000,000	30,000,000	30,000,000	-4,000,000
Total, United States Information Agency	1,395,407,000	1,300,327,000	1,085,351,000	1,085,351,000	1,085,351,000	-310,056,000
Total, related agencies	1,443,785,000	1,376,627,000	1,118,051,000	1,121,051,000	1,124,051,000	-319,734,000
Total, title IV, Department of State	5,587,435,000	5,578,939,000	4,764,539,000	4,767,539,000	5,096,539,000	-490,896,000
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(162,610,000)	(162,610,000)	(-51,746,000)
Maritime National Security Program		175,000,000				
Defense function			46,000,000	46,000,000	46,000,000	+46,000,000
Operations and training	76,087,000	81,650,000	66,600,000	66,600,000	66,600,000	-9,487,000
Ready reserve force:						
Maintenance, operations and facilities	149,653,000					-149,653,000
Rescission	-158,000,000					+158,000,000
Total, Ready reserve force	-8,347,000					+8,347,000
Maritime Guaranteed Loan Program Account:						
Guaranteed loans subsidy	25,000,000	48,000,000	40,000,000	40,000,000	40,000,000	+15,000,000
(Limitation on guaranteed loans)	(250,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(+750,000,000)
Administrative expenses	2,000,000	4,000,000	3,500,000	3,500,000	3,500,000	+1,500,000
Total, Maritime guaranteed loan program account	27,000,000	52,000,000	43,500,000	43,500,000	43,500,000	+16,500,000
Total, Maritime Administration	94,740,000	308,650,000	156,100,000	156,100,000	156,100,000	+61,360,000
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	206,000	212,000	206,000	206,000	206,000	
Commission on Civil Rights						
Salaries and expenses	9,000,000	11,400,000	8,750,000	8,750,000	8,750,000	-250,000
Commission on Immigration Reform						
Salaries and expenses	1,894,000	2,877,000	1,894,000	1,894,000	1,894,000	
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,090,000	1,122,000	1,090,000	1,090,000	1,090,000	
Competitiveness Policy Council						
Salaries and expenses	1,000,000	503,000		100,000	50,000	-950,000
Equal Employment Opportunity Commission						
Salaries and expenses	233,000,000	268,000,000	233,000,000	233,000,000	233,000,000	

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Communications Commission						
Salaries and expenses	185,232,000	223,600,000	175,709,000	195,709,000	185,709,000	+477,000
Offsetting fee collections - current year	-116,400,000	-116,400,000	-116,400,000	-136,400,000	-126,400,000	-10,000,000
Direct appropriation	68,832,000	107,200,000	59,309,000	59,309,000	59,309,000	-9,523,000
Federal Maritime Commission						
Salaries and expenses	18,569,000	18,947,000	14,855,000	14,855,000	14,855,000	-3,714,000
Offsetting fee collections		-2,228,000				
Direct appropriation	18,569,000	16,719,000	14,855,000	14,855,000	14,855,000	-3,714,000
Federal Trade Commission						
Salaries and expenses	98,928,000	107,873,000	98,928,000	98,928,000	98,928,000	
Offsetting fee collections - carryover	-4,500,000		-19,360,000	-19,360,000	-19,360,000	-14,860,000
Offsetting fee collections - current year	-39,640,000	-48,262,000	-48,262,000	-48,262,000	-48,262,000	-8,622,000
Direct appropriation	54,788,000	59,611,000	31,306,000	31,306,000	31,306,000	-23,482,000
Japan - United States Friendship Commission						
Japan - United States Friendship Trust Fund	1,247,000	1,250,000	1,247,000	1,247,000	1,247,000	
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	
Legal Services Corporation						
Payment to the Legal Services Corporation	400,000,000	440,000,000	278,000,000	300,000,000	278,000,000	-122,000,000
Marine Mammal Commission						
Salaries and expenses	1,384,000	1,425,000	1,190,000	1,190,000	1,190,000	-194,000
Martin Luther King, Jr. Federal Holiday Commission						
Salaries and expenses	300,000	350,000	350,000	350,000	350,000	+50,000
National Bankruptcy Review Commission						
Salaries and expenses (by transfer)	(1,000,000)					(-1,000,000)
Ounce of Prevention Council						
Direct appropriation				1,500,000	1,500,000	+1,500,000
Crime trust fund 4/		14,700,000				
Total, Ounce of Prevention Council		14,700,000		1,500,000	1,500,000	+1,500,000
Securities and Exchange Commission						
Salaries and expenses	297,405,000	342,922,000	297,405,000	297,405,000	297,405,000	
Offsetting fee collections	-192,000,000		-184,293,000	-184,293,000	-184,293,000	+7,707,000
Offsetting fee collections - carryover	-30,549,000		-9,667,000	-9,667,000	-9,667,000	+20,882,000
Investment adviser fee - offsetting collection	(-8,595,000)					(+8,595,000)
Direct appropriation	74,856,000	342,922,000	103,445,000	103,445,000	103,445,000	+28,589,000
Small Business Administration						
Salaries and expenses	251,504,000	242,831,000	222,490,000	222,490,000	222,490,000	-29,014,000
Offsetting fee collections	-9,350,000	-3,300,000	-3,300,000	-3,300,000	-3,300,000	+6,050,000
Direct appropriation	242,154,000	239,531,000	219,190,000	219,190,000	219,190,000	-22,964,000
Office of Inspector General	8,500,000	9,200,000	8,500,000	8,500,000	8,500,000	
Business Loans Program Account:						
Direct loans subsidy	3,596,000	12,428,000	4,500,000	4,500,000	4,500,000	+904,000
Guaranteed loans subsidy 5/	274,439,000	50,835,000	155,010,000	155,010,000	155,010,000	-119,429,000
Micro loan guarantees	1,216,000	1,700,000	1,216,000	1,216,000	1,216,000	
Section 503. prepayment	30,000,000					-30,000,000
Administrative expenses	97,000,000	99,910,000	92,622,000	92,622,000	92,622,000	-4,378,000
Total, Business loans program account	406,251,000	164,873,000	253,348,000	253,348,000	253,348,000	-152,903,000
Disaster Loans Program Account:						
Direct loans subsidy 5/	52,153,000	34,432,000	34,432,000	34,432,000	34,432,000	-17,721,000
Administrative expenses	78,000,000	80,340,000	71,578,000	71,578,000	71,578,000	-6,422,000
Contingency fund (emergency)	125,000,000	100,000,000				-125,000,000
Total, Disaster loans program account	255,153,000	214,772,000	106,010,000	106,010,000	106,010,000	-149,143,000
Surety bond guarantees revolving fund	5,369,000	2,530,000	2,530,000	2,530,000	2,530,000	-2,839,000
Total, Small Business Administration	917,427,000	630,906,000	589,578,000	589,578,000	589,578,000	-327,849,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
State Justice Institute						
Salaries and expenses 6/	13,550,000	13,550,000	5,000,000	5,000,000	5,000,000	-8,550,000
Crime trust fund	.....	600,000	.....	.....	.....	.....
Total, State Justice Institute	13,550,000	14,150,000	5,000,000	5,000,000	5,000,000	-8,550,000
Total, title V, Related agencies	1,891,883,000	2,221,997,000	1,485,320,000	1,508,920,000	1,486,870,000	-405,013,000
Appropriations	(2,049,883,000)	(2,206,697,000)	(1,485,320,000)	(1,508,920,000)	(1,486,870,000)	(-563,013,000)
Rescission	(-158,000,000)	.....	.....	.....	.....	(+158,000,000)
Crime trust fund	.....	(15,300,000)	.....	.....	.....	.....
(Liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(162,610,000)	(162,610,000)	(-51,746,000)
TITLE VI - GENERAL PROVISIONS						
Procurement: General provisions 7/	-11,769,000	.....	.....	.....	.....	+11,769,000
Total, title VI, general provisions	-11,769,000	.....	.....	.....	.....	+11,769,000
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)	.....	.....	-65,000,000	-65,000,000	-65,000,000	-65,000,000
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Acquisition and maintenance of buildings abroad (rescission)	.....	.....	-60,000,000	-95,500,000	-64,500,000	-64,500,000
RELATED AGENCIES						
United States Information Agency						
Radio construction (rescission)	.....	.....	-7,400,000	-7,400,000	-7,400,000	-7,400,000
Total, title VII, Rescissions	.....	.....	-132,400,000	-167,900,000	-136,900,000	-136,900,000
Grand total:						
New budget (obligational) authority	26,698,336,000	31,158,679,000	27,284,734,000	27,299,134,000	27,841,284,000	+1,142,948,000
Appropriations	(24,541,686,000)	(27,148,479,000)	(23,536,165,000)	(23,586,065,000)	(24,097,215,000)	(-444,471,000)
Rescissions	(-171,250,000)	.....	(-207,400,000)	(-242,900,000)	(-211,900,000)	(-40,650,000)
Crime trust fund	(2,327,900,000)	(4,010,200,000)	(3,955,969,000)	(3,955,969,000)	(3,955,969,000)	(+1,628,069,000)
(By transfer)	(56,500,000)	(55,500,000)	(106,000,000)	(106,000,000)	(106,000,000)	(+49,500,000)
(Limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)	(741,000)	(741,000)	.....
(Liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(162,610,000)	(162,610,000)	(-51,746,000)
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	.....

1/ 1995 "Salaries and expenses" funds were used for "Administrative review and appeals".
2/ Doesn't reflect transfers to INS and GLA.
3/ Includes budget amendment of -$3,265,000 related to privatization of portions of the National Weather Service. Legislation will be proposed to offset this account from the Marine Navigation Trust Fund.
4/ Funding of $1,500,000 was provided under Office of Justice Programs in FY 1995.
5/ Assumes legislation to lower the subsidy for these accounts through new fees and increases in interest rates.
6/ The State Justice Institute is authorized to submit its budget directly to Congress. The President's request includes $7,000,000 for the Institute.
7/ The FY 1995 budget authority amount reflects the unspread balance.

FY 1996 DISTRICT OF COLUMBIA APPROPRIATIONS BILL (H.R. 3019)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
FEDERAL FUNDS						
Federal payment to the District of Columbia	660,000,000	660,000,000	660,000,000	660,000,000	660,000,000	
Federal contribution to retirement funds	52,070,000	52,070,000	52,000,000	52,070,000	52,070,000	
Federal contribution for education reform				14,930,000		
Total, Federal funds to the District of Columbia	712,070,000	712,070,000	712,000,000	727,000,000	712,070,000	
DISTRICT OF COLUMBIA FUNDS						
Operating Expenses						
Governmental direction and support	(131,077,000)	(150,721,000)	(149,793,000)	(149,130,000)	(149,130,000)	(+18,053,000)
Economic development and regulation	(149,858,000)	(142,711,000)	(139,285,000)	(140,983,000)	(140,983,000)	(-8,875,000)
Human resources development	(87,752,000)					(-87,752,000)
Public safety and justice	(902,466,000)	(960,747,000)	(954,106,000)	(963,848,000)	(963,848,000)	(+61,382,000)
Public education system	(832,303,000)	(800,080,000)	(788,983,000)	(795,201,000)	(795,201,000)	(-37,102,000)
Education reform				(14,930,000)		
Human support services	(1,542,648,000)	(1,859,622,000)	(1,845,638,000)	(1,855,014,000)	(1,855,014,000)	(+312,366,000)
Public works	(279,627,000)	(297,568,000)	(297,326,000)	(297,568,000)	(297,568,000)	(+17,941,000)
Financing and other		(269,654,000)				
Washington Convention Center Fund	(12,850,000)		(5,400,000)	(5,400,000)	(5,400,000)	(-7,450,000)
Repayment of loans and interest	(306,766,000)		(327,787,000)	(327,787,000)	(327,787,000)	(+21,019,000)
Repayment of general fund recovery debt	(38,678,000)		(38,678,000)	(38,678,000)	(38,678,000)	
Short-term borrowing	(5,000,000)		(9,698,000)	(9,698,000)	(9,698,000)	(+4,698,000)
Pay renegotiation or reduction in compensation			(-46,409,000)	(-46,409,000)	(-46,409,000)	(-46,409,000)
Optical and dental benefits	(3,312,000)					(-3,312,000)
Pay adjustment	(106,095,000)					(-106,095,000)
D.C. General Hospital deficit payment	(10,000,000)					(-10,000,000)
Rainy day fund	(22,508,000)	(4,563,000)	(4,563,000)	(4,563,000)	(4,563,000)	(-17,945,000)
Job-producing economic development incentives	(22,600,000)					(-22,600,000)
Cash reserve fund	(3,957,000)					(-3,957,000)
Incentive buyout program			(19,000,000)	(19,000,000)	(19,000,000)	(+19,000,000)
Outplacement			(1,500,000)	(1,500,000)	(1,500,000)	(+1,500,000)
Boards and Commissions		(-500,000)	(-500,000)	(-500,000)	(-500,000)	(-500,000)
Government reengineering program			(-16,000,000)	(-16,000,000)	(-16,000,000)	(-16,000,000)
Personal and nonpersonal services adjustments	(-13,632,000)		(-148,411,000)	(-165,837,000)	(-150,907,000)	(-137,275,000)
Sec. 138(a) reduction in FY 1995 expenses	(-140,000,000)					(+140,000,000)
Total, operating expenses, general fund	(4,303,867,000)	(4,485,166,000)	(4,370,437,000)	(4,394,554,000)	(4,394,554,000)	(+90,687,000)
Capital Outlay						
General fund	(94,238,000)	(62,562,000)	(62,562,000)	(62,562,000)	(62,562,000)	(-31,676,000)
Enterprise Funds						
Water and Sewer Enterprise Fund:						
Operating expenses	(275,576,000)	(243,853,000)	(193,398,000)	(242,253,000)	(242,253,000)	(-33,323,000)
Capital outlay	(23,354,635)	(39,477,000)	(39,477,000)	(39,477,000)	(39,477,000)	(+16,122,365)
Total, Water and Sewer Enterprise Fund	(298,930,635)	(283,330,000)	(232,875,000)	(281,730,000)	(281,730,000)	(-17,200,635)
Lottery and Charitable Games Enterprise Fund	(192,068,000)	(229,950,000)	(229,907,000)	(229,950,000)	(229,950,000)	(+37,882,000)
Cable Television Enterprise Fund	(2,654,000)	(2,351,000)	(2,469,000)	(2,351,000)	(2,351,000)	(-303,000)
Sports Commission (STARPLEX)	(6,392,000)	(6,580,000)	(8,637,000)	(6,580,000)	(6,580,000)	(+188,000)
D.C. General Hospital	(143,920,000)	(115,034,000)	(-2,487,000)	(58,299,000)	(58,299,000)	(-85,621,000)
D.C. Retirement Board		(13,440,000)	(13,417,000)	(13,440,000)	(13,440,000)	(+13,440,000)
Correctional Industries	(7,642,000)	(10,516,000)	(10,048,000)	(10,516,000)	(10,516,000)	(+2,874,000)
Washington Conventional Center Enterprise Fund	(19,541,000)	(37,957,000)	(37,957,000)	(32,557,000)	(32,557,000)	(+13,016,000)
D.C. Financial Responsibility and Management Assistance Authority		(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(+3,500,000)
Total, Enterprise Funds	(671,147,635)	(702,658,000)	(536,323,000)	(638,923,000)	(638,923,000)	(-32,224,635)
Total, District of Columbia funds	(5,069,252,635)	(5,250,386,000)	(4,969,322,000)	(5,096,039,000)	(5,096,039,000)	(+26,786,365)
Total, title I, fiscal year 1996 appropriations:						
Federal Funds to the District of Columbia	712,070,000	712,070,000	712,000,000	727,000,000	712,070,000	
District of Columbia funds	(5,069,252,635)	(5,250,386,000)	(4,969,322,000)	(5,096,039,000)	(5,096,039,000)	(+26,786,365)

FY 1996 DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	597,236,000	616,547,000	567,152,000	567,753,000	567,453,000	-29,783,000
Fire protection	114,748,000	114,763,000				-114,748,000
Emergency Department of the Interior firefighting fund	121,176,000	131,482,000				-121,176,000
Wildland fire management			235,924,000	235,924,000	235,924,000	+235,924,000
Central hazmat account	13,409,000	14,024,000	10,000,000	10,000,000	10,000,000	-3,409,000
Construction and access	12,068,000	3,019,000	3,115,000	3,115,000	3,115,000	-8,953,000
Payments in lieu of taxes	101,409,000	113,911,000	101,500,000	101,500,000	113,500,000	+12,091,000
Land acquisition	14,757,000	24,473,000	12,800,000	12,800,000	12,800,000	-1,957,000
Oregon and California grant lands	97,364,000	112,752,000	93,379,000	97,452,000	97,452,000	+88,000
Range improvements (indefinite)	10,350,000	9,113,000	9,113,000	9,113,000	9,113,000	-1,237,000
Service charges, deposits, & forfeitures (indefinite)	8,883,000	8,993,000	8,993,000	8,993,000	8,993,000	+110,000
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000	7,605,000	7,605,000	
Total, Bureau of Land Management	1,099,005,000	1,156,682,000	1,049,581,000	1,054,255,000	1,065,955,000	-33,050,000
United States Fish and Wildlife Service						
Resource management	511,334,000	535,018,000	497,670,000	499,100,000	501,010,000	-10,324,000
Construction	53,768,000	34,095,000	37,655,000	37,655,000	37,655,000	-16,113,000
Natural resource damage assessment and restoration fund	6,687,000	6,700,000	4,000,000	4,000,000	4,000,000	-2,687,000
Land acquisition	67,141,000	62,912,000	45,400,000	36,900,000	36,900,000	-30,241,000
Cooperative endangered species conservation fund	8,983,000	38,000,000	8,085,000	8,085,000	8,085,000	-898,000
National wildlife refuge fund	11,977,000	11,371,000	10,779,000	10,779,000	10,779,000	-1,198,000
Rewards and operations	1,167,000	1,159,000	600,000	600,000	600,000	-567,000
North American wetlands conservation fund	8,983,000	12,000,000	6,750,000	6,750,000	6,750,000	-2,233,000
Lahonton Valley and Pyramid Lake fish and wildlife fund		152,000	152,000	152,000	152,000	+152,000
Rhinoceros and tiger conservation fund		400,000	200,000	200,000	200,000	+200,000
Wildlife conservation and appreciation fund	998,000	1,000,000	800,000	800,000	800,000	-198,000
Total, United States Fish and Wildlife Service	671,038,000	702,817,000	612,091,000	605,021,000	606,931,000	-64,107,000
Natural Resources Science Agency						
Research, inventories, and surveys	162,041,000	172,696,000				-162,041,000
National Park Service						
Operation of the national park system	1,077,900,000	1,157,738,000	1,086,014,000	1,084,755,000	1,082,481,000	+4,581,000
National recreation and preservation	42,941,000	39,305,000	37,649,000	37,649,000	37,649,000	-5,292,000
Historic preservation fund	41,421,000	43,000,000	36,212,000	36,212,000	36,212,000	-5,209,000
Construction	167,688,000	179,883,000	143,225,000	143,225,000	143,225,000	-24,463,000
C&O Canal (P.L. 104-99)			2,000,000	2,000,000	2,000,000	+2,000,000
Urban park and recreation fund	6,000	2,300,000				-6,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	
Land acquisition and state assistance	87,373,000	82,696,000	57,500,000	49,100,000	49,100,000	-38,273,000
Crime trust fund		15,200,000				
Total, National Park Service (net)	1,387,329,000	1,490,122,000	1,332,700,000	1,322,941,000	1,320,667,000	-66,662,000
United States Geological Survey						
Surveys, investigations, and research	571,462,000	586,369,000	729,995,000	730,330,000	730,163,000	+158,701,000
Minerals Management Service						
Royalty and offshore minerals management	186,181,000	193,348,000	182,339,000	182,771,000	182,555,000	-5,626,000
Oil spill research	6,440,000	7,892,000	6,440,000	6,440,000	6,440,000	
Total, Minerals Management Service	194,621,000	201,240,000	188,779,000	189,211,000	188,995,000	-5,626,000
Bureau of Mines						
Mines and minerals	152,427,000	132,507,000	64,000,000	64,000,000	64,000,000	-88,427,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	109,795,000	107,152,000	95,470,000	95,470,000	95,470,000	-14,325,000
Receipts from performance bond forfeitures (indefinite)	1,189,000	501,000	500,000	500,000	500,000	-689,000
Subtotal	110,984,000	107,653,000	95,970,000	95,970,000	95,970,000	-15,014,000
Abandoned mine reclamation fund (definite, trust fund)	182,423,000	185,120,000	173,887,000	173,887,000	173,887,000	-8,536,000
Total, Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,857,000	269,857,000	269,857,000	-23,550,000
Bureau of Indian Affairs						
Operation of Indian programs	1,519,012,000	1,609,842,000	1,384,434,000	1,384,434,000	1,384,434,000	-134,578,000
Construction	120,450,000	125,424,000	100,833,000	100,833,000	100,833,000	-19,617,000
Indian land and water claim settlements and miscellaneous payments to Indians	77,096,000	151,025,000	80,645,000	80,645,000	80,645,000	+3,549,000

FY 1996 DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Navajo rehabilitation trust fund	1,996,000					-1,996,000
Technical assistance of Indian enterprises	1,966,000	1,966,000	500,000	500,000	500,000	-1,466,000
Indian direct loan program account	779,000					-779,000
(Limitation on direct loans)	(10,890,000)					(-10,890,000)
Indian guaranteed loan program account	9,671,000	9,684,000	5,000,000	5,000,000	5,000,000	-4,671,000
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)	(35,914,000)	(35,914,000)	(35,914,000)	(-10,986,000)
Total, Bureau of Indian Affairs	1,730,970,000	1,897,941,000	1,571,412,000	1,571,412,000	1,571,412,000	-159,558,000
Territorial and International Affairs						
Assistance to territories	50,481,000	41,512,000	37,468,000	37,468,000	37,468,000	-13,013,000
Northern Mariana Islands Covenant	27,720,000	27,720,000	27,720,000	27,720,000	27,720,000	
Subtotal	78,201,000	69,232,000	65,188,000	65,188,000	65,188,000	-13,013,000
Trust Territory of the Pacific Islands	19,800,000					-19,800,000
Compact of Free Association	13,574,000	10,038,000	10,038,000	10,038,000	10,038,000	-3,536,000
Mandatory payments	10,000,000	14,900,000	14,900,000	14,900,000	14,900,000	+4,900,000
Subtotal	23,574,000	24,938,000	24,938,000	24,938,000	24,938,000	+1,364,000
Total, Territorial and International Affairs	121,575,000	94,170,000	90,126,000	90,126,000	90,126,000	-31,449,000
Departmental Offices						
Departmental management	62,479,000	64,772,000	55,801,000	57,117,000	56,912,000	-5,567,000
Office of the Solicitor	34,608,000	35,361,000	34,337,000	34,516,000	34,427,000	-181,000
Office of Inspector General	23,939,000	25,485,000	23,939,000	23,939,000	23,939,000	
Construction Management	1,996,000	2,000,000	500,000	500,000	500,000	-1,496,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Office of Special Trustee for American Indians			16,338,000	16,338,000	16,338,000	+16,338,000
Total, Departmental Offices	124,022,000	128,618,000	131,915,000	133,410,000	133,116,000	+9,094,000
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	6,507,897,000	6,855,935,000	6,040,456,000	6,030,563,000	6,041,222,000	-466,675,000
Appropriations	(6,537,897,000)	(6,870,735,000)	(6,070,456,000)	(6,060,563,000)	(6,071,222,000)	(-466,675,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	
Crime trust fund		(15,200,000)				
(Limitation on direct loans)	(10,890,000)					(-10,890,000)
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)	(35,914,000)	(35,914,000)	(35,914,000)	(-10,986,000)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest research	193,748,000	203,796,000	178,000,000	177,757,000	178,000,000	-15,748,000
State and private forestry	154,268,000	187,459,000	136,794,000	136,695,000	136,884,000	-17,384,000
Emergency pest suppression fund	17,000,000					-17,000,000
International forestry	4,987,000	10,000,000				-4,987,000
National forest system	1,328,893,000	1,348,755,000	1,256,253,000	1,255,004,999	1,257,057,000	-71,836,000
Forest Service fire protection	159,285,000	164,285,000				-159,285,000
Emergency Forest Service firefighting fund	226,200,000	239,000,000				-226,200,000
Emergency appropriations	450,000,000					-450,000,000
Wildland Fire Management			385,485,000	385,485,000	385,485,000	+385,485,000
Construction	199,215,000	192,338,000	163,500,000	163,384,000	163,600,000	-35,615,000
Timber receipts transfer to general fund (indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
Timber purchaser credits	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Land acquisition	63,882,000	65,311,000	24,200,000	41,200,000	39,400,000	-24,482,000
Acquisition of lands for national forests, special acts	1,250,000	1,317,000	1,069,000	1,069,000	1,069,000	-181,000
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000	210,000	210,000	
Range betterment fund (indefinite)	4,575,000	3,976,000	3,976,000	3,976,000	3,976,000	-599,000
Gifts, donations and bequests for forest and rangeland research	89,000	92,000	92,000	92,000	92,000	+3,000
Southeast Alaska economic disaster fund					110,000,000	+110,000,000
Total, Forest Service	2,803,602,000	2,416,539,000	2,149,579,000	2,164,872,999	2,275,773,000	-527,829,000
DEPARTMENT OF ENERGY						
Clean coal technology	-337,879,000	-155,019,000				+337,879,000
Fossil energy research and development	423,701,000	436,508,000	416,943,000	417,082,000	417,018,000	-6,683,000
(By transfer)	(17,000,000)					(-17,000,000)
Alternative fuels production (indefinite)	-3,900,000	-2,400,000	-2,400,000	-2,400,000	-2,400,000	+1,500,000
Naval petroleum and oil shale reserves	187,048,000	101,026,000	148,786,000	148,786,000	148,786,000	-38,262,000
Energy conservation	755,751,000	923,561,000	553,137,000	553,240,000	553,189,000	-202,562,000
Biomass Energy Development (transfer)		-16,000,000	-16,000,000	-15,000,000	-16,000,000	-16,000,000
Economic regulation	12,413,000	10,500,000	6,297,000	6,297,000	6,297,000	-6,116,000
Emergency preparedness	8,233,000	8,219,000				-8,233,000

FY 1996 DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Strategic Petroleum Reserve	135,954,000	25,689,000	.....	.....	.....	-135,954,000
(By transfer)	(90,764,000)	(187,000,000)	(187,000,000)	(187,000,000)	(187,000,000)	(+96,236,000)
Energy Information Administration	84,566,000	84,689,000	72,266,000	72,266,000	72,266,000	-12,300,000
Total, Department of Energy	1,265,887,000	1,416,775,000	1,179,029,000	1,179,281,000	1,179,156,000	-86,731,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,709,780,000	1,816,350,000	1,747,842,000	1,747,842,000	1,747,842,000	+38,062,000
Indian health facilities	253,282,000	242,672,000	238,958,000	238,958,000	238,958,000	-14,324,000
Total, Indian Health Service	1,963,062,000	2,059,022,000	1,986,800,000	1,986,800,000	1,986,800,000	+23,738,000
DEPARTMENT OF EDUCATION						
Office of Elementary and Secondary Education						
Indian education	81,341,000	84,785,000	52,500,000	52,500,000	52,500,000	-28,841,000
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	24,888,000	26,345,000	20,345,000	20,345,000	20,345,000	-4,543,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	11,213,000	19,846,000	5,500,000	5,500,000	5,500,000	-5,713,000
Smithsonian Institution						
Salaries and expenses	313,853,000	329,800,000	308,188,000	308,188,000	311,188,000	-2,665,000
Construction and improvements, National Zoological Park	3,042,000	4,950,000	3,250,000	3,250,000	3,250,000	+208,000
Repair and restoration of buildings	23,954,000	34,000,000	33,954,000	33,954,000	33,954,000	+10,000,000
Construction	21,857,000	38,700,000	27,700,000	27,700,000	27,700,000	+5,843,000
Total, Smithsonian Institution	362,706,000	407,450,000	373,092,000	373,092,000	376,092,000	+13,386,000
National Gallery of Art						
Salaries and expenses	52,902,000	54,566,000	51,844,000	51,844,000	51,844,000	-1,058,000
Repair, restoration and renovation of buildings	4,016,000	9,885,000	6,442,000	6,442,000	6,442,000	+2,426,000
Total, National Gallery of Art	56,918,000	64,451,000	58,286,000	58,286,000	58,286,000	+1,368,000
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	10,323,000	10,373,000	10,323,000	10,323,000	10,323,000	.....
Construction	8,983,000	9,000,000	8,983,000	8,983,000	8,983,000	.....
Total, John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	19,306,000	19,306,000	19,306,000	.....
Woodrow Wilson International Center for Scholars						
Salaries and expenses	8,878,000	10,070,000	5,840,000	5,840,000	5,840,000	-3,038,000
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	133,846,000	143,675,000	82,259,000	82,259,000	82,259,000	-51,587,000
Matching grants	28,512,000	28,725,000	17,235,000	17,235,000	17,235,000	-11,277,000
Total, National Endowment for the Arts	162,358,000	172,400,000	99,494,000	99,494,000	99,494,000	-62,864,000
National Endowment for the Humanities						
Grants and administration	146,131,000	156,087,000	94,000,000	94,000,000	94,000,000	-52,131,000
Matching grants	25,913,000	25,913,000	16,000,000	16,000,000	16,000,000	-9,913,000
Total, National Endowment for the Humanities	172,044,000	182,000,000	110,000,000	110,000,000	110,000,000	-62,044,000
Institute of Museum Services						
Grants and administration	28,715,000	29,800,000	21,000,000	21,000,000	21,000,000	-7,715,000
Total, National Foundation on the Arts and the Humanities	363,117,000	384,200,000	230,494,000	230,494,000	230,494,000	-132,623,000
Commission of Fine Arts						
Salaries and expenses	834,000	879,000	834,000	834,000	834,000	.....
National Capital Arts and Cultural Affairs						
Grants	7,500,000	6,941,000	6,000,000	6,000,000	6,000,000	-1,500,000
Advisory Council on Historic Preservation						
Salaries and expenses	2,947,000	3,063,000	2,500,000	2,500,000	2,500,000	-447,000
National Capital Planning Commission						
Salaries and expenses	5,655,000	6,000,000	5,090,000	5,090,000	5,090,000	-565,000

FY 1996 DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Franklin Delano Roosevelt Memorial Commission						
Salaries and expenses	48,000	147,000	147,000	147,000	147,000	+99,000
Pennsylvania Avenue Development Corporation						
Salaries and expenses	2,738,000	3,043,000				-2,738,000
Public development	4,084,000	2,445,000				-4,084,000
Land acquisition and development fund		1,388,000				
Rescission of prior year funds				-2,172,000		
Total, Pennsylvania Avenue Development Corporation	6,822,000	6,876,000		-2,172,000		-6,822,000
United States Holocaust Memorial Council						
Holocaust Memorial Council	26,609,000	28,707,000	28,707,000	28,707,000	28,707,000	+2,098,000
Total, title II, Related Agencies	7,011,333,000	6,961,469,000	6,124,049,000	6,137,422,999	6,253,370,000	-757,963,000
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Grand total:						
New budget (obligational) authority (net)	13,519,230,000	13,817,404,000	12,164,505,000	12,167,985,999	12,294,592,000	-1,224,638,000
Appropriations	(13,549,230,000)	(13,832,204,000)	(12,194,505,000)	(12,200,157,999)	(12,324,592,000)	(-1,224,638,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-32,172,000)	(-30,000,000)	
Crime trust fund		(15,200,000)				
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
(By transfer)	(107,764,000)	(187,000,000)	(187,000,000)	(187,000,000)	(187,000,000)	(+79,236,000)
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,099,005,000	1,156,682,000	1,049,581,000	1,054,255,000	1,065,955,000	-33,050,000
United States Fish and Wildlife Service	671,038,000	702,817,000	612,091,000	605,021,000	606,931,000	-64,107,000
National Biological Service	162,041,000	172,696,000				-162,041,000
National Park Service	1,387,329,000	1,490,122,000	1,332,700,000	1,322,941,000	1,320,667,000	-66,662,000
United States Geological Survey	571,462,000	586,369,000	729,995,000	730,330,000	730,163,000	+158,701,000
Minerals Management Service	194,621,000	201,240,000	188,779,000	189,211,000	188,995,000	-5,626,000
Bureau of Mines	152,427,000	132,507,000	64,000,000	64,000,000	64,000,000	-88,427,000
Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,857,000	269,857,000	269,857,000	-23,550,000
Bureau of Indian Affairs	1,730,970,000	1,897,941,000	1,571,412,000	1,571,412,000	1,571,412,000	-159,558,000
Territorial and International Affairs	121,575,000	94,170,000	90,126,000	90,126,000	90,126,000	-31,449,000
Departmental Offices	124,022,000	128,618,000	131,915,000	133,410,000	133,116,000	+9,094,000
Total, Title I - Department of the Interior	6,507,897,000	6,855,935,000	6,040,456,000	6,030,563,000	6,041,222,000	-466,675,000
TITLE II - RELATED AGENCIES						
Forest Service	2,803,602,000	2,416,539,000	2,149,579,000	2,164,872,999	2,275,773,000	-527,829,000
Department of Energy	1,265,887,000	1,416,775,000	1,179,029,000	1,179,281,000	1,179,156,000	-86,731,000
Indian Health Service	1,963,062,000	2,059,022,000	1,986,800,000	1,966,800,000	1,986,800,000	+23,738,000
Indian Education	81,341,000	84,785,000	52,500,000	52,500,000	52,500,000	-28,841,000
Office of Navajo and Hopi Indian Relocation	24,888,000	26,345,000	20,345,000	20,345,000	20,345,000	-4,543,000
Institute of American Indian and Alaska Native Culture and Arts Development	11,213,000	19,846,000	5,500,000	5,500,000	5,500,000	-5,713,000
Smithsonian Institution	362,706,000	407,450,000	373,092,000	373,092,000	376,092,000	+13,386,000
National Gallery of Art	56,918,000	64,451,000	58,286,000	58,286,000	58,286,000	+1,368,000
John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	19,306,000	19,306,000	19,306,000	
Woodrow Wilson International Center for Scholars	8,878,000	10,070,000	5,840,000	5,840,000	5,840,000	-3,038,000
National Endowment for the Arts	162,358,000	172,400,000	99,494,000	99,494,000	99,494,000	-62,864,000
National Endowment for the Humanities	172,044,000	182,000,000	110,000,000	110,000,000	110,000,000	-62,044,000
Institute of Museum Services	28,715,000	29,800,000	21,000,000	21,000,000	21,000,000	-7,715,000
Commission of Fine Arts	834,000	879,000	834,000	834,000	834,000	
National Capital Arts and Cultural Affairs	7,500,000	6,941,000	6,000,000	6,000,000	6,000,000	-1,500,000
Advisory Council on Historic Preservation	2,947,000	3,063,000	2,500,000	2,500,000	2,500,000	-447,000
National Capital Planning Commission	5,655,000	6,000,000	5,090,000	5,090,000	5,090,000	-565,000
Franklin Delano Roosevelt Memorial Commission	48,000	147,000	147,000	147,000	147,000	+99,000
Pennsylvania Avenue Development Corporation	6,822,000	6,876,000		-2,172,000		-6,822,000
Holocaust Memorial Council	26,609,000	28,707,000	28,707,000	28,707,000	28,707,000	+2,098,000
Total, Title II - Related Agencies	7,011,333,000	6,961,469,000	6,124,049,000	6,137,422,999	6,253,370,000	-757,963,000
Grand total	13,519,230,000	13,817,404,000	12,164,505,000	12,167,985,999	12,294,592,000	-1,224,638,000

H.R. 3019 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	17,626,892,000	18,331,561,000	18,331,561,000	18,331,561,000	18,331,561,000	+704,669,000
Readjustment benefits	1,286,600,000	1,345,300,000	1,345,300,000	1,345,300,000	1,345,300,000	+58,700,000
Subtotal	1,286,600,000	1,345,300,000	1,345,300,000	1,345,300,000	1,345,300,000	+58,700,000
Veterans insurance and indemnities	24,760,000	24,890,000	24,890,000	24,890,000	24,890,000	+130,000
Guaranty and indemnity program account (indefinite)	507,095,000	504,122,000	504,122,000	504,122,000	504,122,000	-2,973,000
Negative subsidy for guaranteed loans	.....	-185,500,000	-185,500,000	-185,500,000	-185,500,000	-185,500,000
Administrative expenses	65,226,000	78,085,000	65,226,000	65,226,000	65,226,000	.....
Loan guaranty program account (indefinite)	43,939,000	22,950,000	22,950,000	22,950,000	22,950,000	-20,989,000
Administrative expenses	59,371,000	52,138,000	52,138,000	52,138,000	52,138,000	-7,233,000
(By transfer)	.....	.....	(6,000,000)	(6,000,000)	(6,000,000)	(+6,000,000)
Direct loan program account (indefinite)	25,000	28,000	28,000	28,000	28,000	+3,000
(Limitation on direct loans)	(1,000,000)	(300,000)	(300,000)	(300,000)	(300,000)	(-700,000)
Administrative expenses	1,020,000	459,000	459,000	459,000	459,000	-561,000
(Loan level)	(97,000)	(99,000)	(99,000)	(99,000)	(99,000)	(+2,000)
Education loan fund program account	1,061	1,093	1,000	1,000	1,000	-61
(Limitation on direct loans)	(4,034)	(4,120)	(4,000)	(4,000)	(4,000)	(-34)
Administrative expenses	195,000	203,000	195,000	195,000	195,000	.....
Vocational rehabilitation loans program account	54,000	56,000	54,000	54,000	54,000	.....
(Limitation on direct loans)	(1,964,000)	(2,022,000)	(1,964,000)	(1,964,000)	(1,964,000)	.....
Administrative expenses	767,000	377,000	377,000	377,000	377,000	-390,000
Native American Veteran Housing Loan Program Account	218,000	455,000	205,000	205,000	205,000	-13,000
Total, Veterans Benefits Administration	19,616,163,061	20,175,125,093	20,162,006,000	20,162,006,000	20,162,006,000	+545,842,939
Veterans Health Administration						
Medical care	16,214,684,000	16,961,487,000	16,564,000,000	16,564,000,000	16,564,000,000	+349,316,000
(Transfer out)	.....	.....	(-4,500,000)	(-4,500,000)	(-4,500,000)	(-4,500,000)
Total	16,214,684,000	16,961,487,000	16,564,000,000	16,564,000,000	16,564,000,000	+349,316,000
Medical and prosthetic research	251,743,000	257,000,000	257,000,000	257,000,000	257,000,000	+5,257,000
Health professional scholarship program	10,386,000	10,386,000	.....	.....	.....	-10,386,000
Medical administration and miscellaneous operating expenses	69,789,000	72,262,000	63,602,000	63,602,000	63,602,000	-6,187,000
(By transfer)	.....	.....	(4,500,000)	(4,500,000)	(4,500,000)	(+4,500,000)
Grants to the Republic of the Philippines	500,000	.....	.....	.....	.....	-500,000
Transitional housing loan program:						
Loan program account (by transfer)	(7,000)	(7,000)	(7,000)	(7,000)	(7,000)	.....
Administrative expenses (by transfer)	(54,000)	(56,000)	(54,000)	(54,000)	(54,000)	.....
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)	(70,000)	(70,000)	.....
General post fund (transfer out)	(-61,000)	(-63,000)	(-61,000)	(-61,000)	(-61,000)	.....
Total, Veterans Health Administration	16,547,102,000	17,301,135,000	16,884,602,000	16,884,602,000	16,884,602,000	+337,500,000
Departmental Administration						
General operating expenses	890,193,000	915,643,000	848,143,000	848,143,000	848,143,000	-42,050,000
Offsetting receipts	.....	.....	(32,000,000)	(32,000,000)	(32,000,000)	(+32,000,000)
(Transfer out)	.....	.....	(-6,000,000)	(-6,000,000)	(-6,000,000)	(-6,000,000)
Total, Program Level	(890,193,000)	(915,643,000)	(874,143,000)	(874,143,000)	(874,143,000)	(-16,050,000)
National Cemetery System	72,604,000	75,308,000	72,604,000	72,604,000	72,604,000	.....
Office of Inspector General	31,815,000	33,500,000	30,900,000	30,900,000	30,900,000	-915,000
Construction, major projects	354,294,000	513,755,000	136,155,000	136,155,000	136,155,000	-218,139,000
(Transfer out)	.....	.....	(-7,000,000)	(-7,000,000)	(-7,000,000)	(-7,000,000)
Construction, minor projects	152,934,000	229,145,000	190,000,000	190,000,000	190,000,000	+37,066,000
Parking revolving fund	16,300,000	.....	.....	.....	.....	-16,300,000
(By transfer)	.....	.....	(7,000,000)	(7,000,000)	(7,000,000)	(+7,000,000)
Grants for construction of state extended care facilities	47,397,000	43,740,000	47,397,000	47,397,000	47,397,000	.....
Grants for the construction of state veterans cemeteries	5,378,000	1,000,000	1,000,000	1,000,000	1,000,000	-4,378,000
Total, Departmental Administration	1,570,915,000	1,812,091,000	1,326,199,000	1,326,199,000	1,326,199,000	-244,716,000
Total, title I, Department of Veterans Affairs	37,734,180,061	39,268,351,093	38,372,807,000	38,372,807,000	38,372,807,000	+638,626,939
(By transfer)	(61,000)	(63,000)	(17,561,000)	(17,561,000)	(17,561,000)	(+17,500,000)
(Limitation on direct loans)	(3,135,034)	(2,495,120)	(2,437,000)	(2,437,000)	(2,437,000)	(-698,034)
Consisting of:						
Mandatory	(19,489,311,000)	(20,043,351,000)	(20,043,351,000)	(20,043,351,000)	(20,043,351,000)	(+554,040,000)
Discretionary	(18,244,869,061)	(19,245,000,093)	(18,329,456,000)	(18,329,456,000)	(18,329,456,000)	(+84,586,939)

H.R. 3019 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Selected Housing Programs						
Housing certificates for families and individuals performance funds		6,509,955,000				
Public and Indian housing capital performance funds		4,884,000,000				
Annual contributions for assisted housing	11,083,000,000		10,155,795,000	10,086,795,000	9,818,795,000	-1,264,205,000
Prepayment authority			4,000,000	4,000,000	4,000,000	+4,000,000
Transfer from UDAG	(100,000,000)					(-100,000,000)
Severely distressed public housing	500,000,000		280,000,000	380,000,000	480,000,000	-20,000,000
Assistance for the renewal of expiring section 8 subsidy contracts	2,536,000,000					-2,536,000,000
Flexible subsidy fund	50,000,000					-50,000,000
Housing opportunities for persons with AIDS		186,000,000				
Congregate services	25,000,000					-25,000,000
Rental housing assistance:						
Rescission of budget authority, indefinite	-38,000,000	-35,119,000	-35,119,000	-35,119,000	-35,119,000	+2,881,000
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	
Rescission of prepayment recaptures	-66,000,000	-163,000,000	-163,000,000	-163,000,000	-163,000,000	-97,000,000
Homeownership assistance	6,875,000					-6,875,000
Rescission of budget authority, indefinite	-184,000,000					+184,000,000
Public and Indian housing operation performance funds		3,220,000,000				
Payments for operation of low-income housing projects	2,900,000,000		2,800,000,000	2,800,000,000	2,800,000,000	-100,000,000
Drug elimination grants for low-income housing	290,000,000		290,000,000	290,000,000	290,000,000	
Affordable housing performance funds		3,339,000,000				
HOME investment partnerships program	1,400,000,000		1,400,000,000	1,400,000,000	1,400,000,000	
Homeownership and opportunity for people everywhere grants (HOPE grants)	50,000,000					-50,000,000
National homeownership trust demonstration program	50,000,000					-50,000,000
Youthbuild program	50,000,000					-50,000,000
Housing counseling assistance	50,000,000					-50,000,000
Indian housing loan guarantee fund program account	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	
(Limitation on guarantee loans)	(22,388,000)	(36,900,000)	(36,900,000)	(36,900,000)	(36,900,000)	(+14,512,000)
Violent crime reduction program		3,000,000				
Total, Selected housing programs (net)	18,705,875,000	17,946,836,000	14,734,676,000	14,765,676,000	14,597,676,000	-4,108,199,000
Homeless Assistance						
Homeless assistance fund		1,120,000,000				
Homeless assistance grants	1,120,000,000		823,000,000	823,000,000	823,000,000	-297,000,000
Community Planning and Development						
Community opportunity fund		4,850,000,000				
Community opportunity performance program account		21,000,000				
Administrative expenses		900,000				
Community development grants	4,600,000,000		4,600,000,000	4,600,000,000	4,600,000,000	
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(2,054,000,000)		(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(-554,000,000)
Credit subsidy			31,750,000	31,750,000	31,750,000	+31,750,000
Administrative expenses			675,000	675,000	675,000	+675,000
Policy Development and Research						
Research and technology	42,000,000	42,000,000	34,000,000	34,000,000	34,000,000	-8,000,000
Fair Housing and Equal Opportunity						
Fair housing activities	33,375,000	45,000,000	30,000,000	30,000,000	30,000,000	-3,375,000
Management and Administration						
Salaries and expenses	451,219,000	479,479,000	420,000,000	420,000,000	420,000,000	-31,219,000
(By transfer, limitation on FHA corporate funds)	(495,355,000)	(527,782,000)	(532,782,000)	(532,782,000)	(532,782,000)	(+37,427,000)
(By transfer, GNMA)	(8,824,000)	(9,101,000)	(9,101,000)	(9,101,000)	(9,101,000)	(+277,000)
(By transfer, Community Planning & Development)		(900,000)	(675,000)	(675,000)	(675,000)	(+675,000)
Total, Salaries and expenses	(955,398,000)	(1,017,262,000)	(962,558,000)	(962,558,000)	(962,558,000)	(+7,160,000)
Office of Inspector General	36,427,000	36,968,000	36,567,000	36,567,000	36,567,000	+140,000
(By transfer, limitation on FHA corporate funds)	(10,961,000)	(11,283,000)	(11,283,000)	(11,283,000)	(11,283,000)	(+322,000)
Total, Office of Inspector General	(47,388,000)	(48,251,000)	(47,850,000)	(47,850,000)	(47,850,000)	(+462,000)
Office of federal housing enterprise oversight	15,451,000	14,895,000	14,895,000	14,895,000	14,895,000	-556,000
Offsetting receipts	-15,451,000	-14,895,000	-14,895,000	-14,895,000	-14,895,000	+556,000

H.R. 3019 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(100,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(+10,000,000,000)
(Limitation on direct loans)	(180,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(+20,000,000)
Administrative expenses	308,846,000	341,595,000	341,595,000	341,595,000	341,595,000	+32,749,000
Offsetting receipts	-308,846,000	-341,595,000	-341,595,000	-341,595,000	-341,595,000	-32,749,000
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(20,885,072,000)	(17,400,000,000)	(17,400,000,000)	(17,400,000,000)	(17,400,000,000)	(-3,485,072,000)
(Limitation on direct loans)	(220,000,000)	(120,000,000)	(120,000,000)	(120,000,000)	(120,000,000)	(-100,000,000)
Administrative expenses	197,470,000	197,470,000	202,470,000	202,470,000	202,470,000	+5,000,000
Program costs	188,395,000	188,395,000	85,000,000	85,000,000	85,000,000	-103,395,000
Subsidy - multifamily	-134,096,000	-37,996,000	-37,996,000	-37,996,000	-37,996,000	+96,100,000
Subsidy - single family	-81,673,000	-27,044,000	-27,044,000	-27,044,000	-27,044,000	+54,629,000
Subsidy - Title I	-24,460,000	-23,777,000	-23,777,000	-23,777,000	-23,777,000	+683,000
Total, Federal Housing Administration	145,636,000	297,048,000	198,653,000	198,653,000	198,653,000	+53,017,000
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(142,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(-32,000,000,000)
Administrative expenses	8,824,000	9,101,000	9,101,000	9,101,000	9,101,000	+277,000
Offsetting receipts	-262,700,000	-508,300,000	-508,300,000	-508,300,000	-508,300,000	-245,600,000
Administrative Provisions						
Procurement savings	-3,538,000					+3,538,000
Debt forgiveness			10,000,000			
FHA mortgage insurance limits	-3,000,000					+3,000,000
GNMA REMICs	-180,000,000					+180,000,000
GNMA REMICs II	-30,600,000					+30,600,000
1-year extension of HECM's demonstration			-7,000,000	-7,000,000	-7,000,000	-7,000,000
FHA Assignment Reform			-1,066,000,000	-1,066,000,000	-1,066,000,000	-1,066,000,000
FHA Assignment Reform, 1996					-96,000,000	-96,000,000
Non-judicial foreclosure	-10,000,000					+10,000,000
Multi-family property disposition - FHA fund			-40,000,000	-40,000,000	-40,000,000	-40,000,000
Sec. 213 - demonstration			30,000,000	15,000,000	30,000,000	+30,000,000
Sec. 224 - FHA fund			33,000,000	33,000,000	33,000,000	+33,000,000
Total, title II, Department of Housing and Urban Development (net)	24,653,518,000	24,340,032,000	19,370,122,000	19,376,122,000	19,127,122,000	-5,526,396,000
Appropriations	(24,941,518,000)	(24,538,151,000)	(19,568,241,000)	(19,574,241,000)	(19,325,241,000)	(-5,616,277,000)
Rescissions	(-288,000,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(+89,881,000)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	
(Limitation on guaranteed loans)	(264,939,072,000)	(237,400,000,000)	(238,900,000,000)	(238,900,000,000)	(238,900,000,000)	(-26,039,072,000)
(Limitation on corporate funds)	(515,140,000)	(549,066,000)	(553,841,000)	(553,841,000)	(553,841,000)	(+38,701,000)
Consisting of:						
Advance appropriation available	800,000,000					-800,000,000
Appropriations available from this bill	24,653,518,000	24,340,032,000	19,370,122,000	19,376,122,000	19,127,122,000	-5,526,396,000
Total, title II	25,453,518,000	24,340,032,000	19,370,122,000	19,376,122,000	19,127,122,000	-6,326,396,000
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	20,265,000	20,265,000	20,265,000	20,265,000	20,265,000	
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	500,000					-500,000
Community Development Financial Institutions						
Community development financial institutions fund program account	125,000,000	123,650,000		50,000,000	45,000,000	-80,000,000
Loan subsidy		20,000,000				
Office of Inspector General		350,000				
Consumer Product Safety Commission						
Salaries and expenses	42,509,000	44,000,000	40,000,000	40,000,000	40,000,000	-2,509,000
Corporation for National and Community Service						
National and community service programs operating expenses	575,000,000	817,476,000	15,000,000	400,500,000	400,500,000	-174,500,000
Office of Inspector General	2,000,000	2,000,000		2,000,000	2,000,000	
Total	577,000,000	819,476,000	15,000,000	402,500,000	402,500,000	-174,500,000

H.R. 3019 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Court of Veterans Appeals						
Salaries and expenses	9,429,000	9,820,000	9,000,000	9,000,000	9,000,000	-429,000
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	12,017,000	14,134,000	11,946,000	11,946,000	11,946,000	-71,000
Environmental Protection Agency						
Research and development	350,000,000	428,661,000	.....	.....	.....	-350,000,000
Science and Technology	.....	.....	525,000,000	525,000,000	525,000,000	+525,000,000
Abatement, control, and compliance	1,417,000,000	1,748,823,000	.....	.....	.....	-1,417,000,000
(Limitation on administrative expenses)	(296,722,500)	.....	.....	.....	.....	(-296,722,500)
Program and research operations	922,000,000	1,017,298,000	.....	.....	.....	-922,000,000
Environmental Programs and Management	.....	.....	1,550,300,000	1,590,300,000	1,677,300,000	+1,677,300,000
Office of Inspector General	28,542,000	33,050,000	28,500,000	28,500,000	28,500,000	-42,000
Transfer from Hazardous Substance Superfund	15,384,000	14,078,000	11,000,000	11,000,000	11,000,000	-4,384,000
Transfer from Leaking Underground Storage Tanks	669,000	710,000	500,000	500,000	500,000	-169,000
Subtotal, OIG	44,595,000	47,838,000	40,000,000	40,000,000	40,000,000	-4,595,000
Buildings and facilities	43,870,000	112,820,000	80,000,000	80,000,000	110,000,000	+66,130,000
Hazardous substance superfund	1,435,000,000	1,507,937,000	1,163,400,000	1,163,400,000	1,213,400,000	-221,600,000
Legislative proposals - reforms	.....	55,000,000	.....	.....	.....	.....
Delay of obligation	.....	.....	.....	100,000,000	100,000,000	+100,000,000
Transfer to OIG	-15,384,000	-14,078,000	-11,000,000	-11,000,000	-11,000,000	+4,384,000
(Limitation on administrative expenses)	(308,000,000)	.....	.....	.....	.....	(-308,000,000)
Subtotal, Hazardous substance superfund	1,419,616,000	1,548,859,000	1,152,400,000	1,252,400,000	1,302,400,000	-117,216,000
Leaking underground storage tank trust fund	70,000,000	77,273,000	45,827,000	45,827,000	45,827,000	-24,173,000
Transfer to OIG	-669,000	-710,000	-500,000	-500,000	-500,000	+169,000
(Limitation on administrative expenses)	(8,150,000)	.....	(7,000,000)	(7,000,000)	(7,000,000)	(-1,150,000)
Subtotal, LUST	69,331,000	76,563,000	45,327,000	45,327,000	45,327,000	-24,004,000
Oil spill response	20,000,000	23,047,000	15,000,000	15,000,000	15,000,000	-5,000,000
(Limitation on administrative expenses)	(8,420,000)	.....	(8,000,000)	(8,000,000)	(8,000,000)	(-420,000)
Water infrastructure / State revolving fund	2,262,000,000	1,865,000,000	.....	.....	.....	-2,262,000,000
Safe drinking water State revolving fund	700,000,000	500,000,000	.....	.....	.....	-700,000,000
State and Tribal Assistance Grants	.....	.....	2,323,000,000	2,423,000,000	2,813,000,000	+2,813,000,000
Environmental services - user fees	.....	-7,500,000	.....	.....	.....	.....
Procurement savings	-7,525,000	.....	.....	.....	.....	+7,525,000
Total, EPA	7,240,887,000	7,359,409,000	5,711,027,000	5,951,027,000	6,528,027,000	-712,860,000
Executive Office of the President						
Office of Science and Technology Policy	4,981,000	4,981,000	4,981,000	4,981,000	4,981,000	.....
Council on Environmental Quality and Office of Environmental Quality	997,000	2,188,000	1,500,000	2,180,000	2,150,000	+1,153,000
Total	5,978,000	7,169,000	6,481,000	7,161,000	7,131,000	+1,153,000
Federal Emergency Management Agency						
Disaster relief	320,000,000	320,000,000	222,000,000	222,000,000	222,000,000	-98,000,000
Disaster assistance direct loan program account:						
State share loan	2,418,000	2,155,000	2,155,000	2,155,000	2,155,000	-263,000
(Limitation on direct loans)	(175,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(-150,000,000)
Administrative expenses	95,000	95,000	95,000	95,000	95,000	.....
Salaries and expenses	162,000,000	172,331,000	168,900,000	168,900,000	168,900,000	+6,900,000
Office of the Inspector General	4,400,000	4,673,000	4,673,000	4,673,000	4,673,000	+273,000
Emergency management planning and assistance	215,960,000	210,122,000	203,044,000	203,044,000	203,044,000	-12,916,000
Emergency food and shelter program	130,000,000	130,000,000	100,000,000	100,000,000	100,000,000	-30,000,000
Administrative provision REP savings	-11,525,000	-12,257,000	-12,257,000	-12,257,000	-12,257,000	-732,000
Procurement savings	-1,441,000	.....	.....	.....	.....	+1,441,000
Equipment sales (sec. 519)	.....	-30,000,000	-10,000,000	-10,000,000	-10,000,000	-10,000,000
National Flood Insurance:						
Salaries and expenses	.....	(20,562,000)	(20,562,000)	(20,562,000)	(20,562,000)	(+20,562,000)
Flood mitigation	.....	(70,464,000)	(70,464,000)	(70,464,000)	(70,464,000)	(+70,464,000)
Premium increase	.....	-21,000,000	.....	.....	.....	.....
Total, Federal Emergency Management Agency	821,907,000	776,119,000	678,610,000	678,610,000	678,610,000	-143,297,000
General Services Administration						
Consumer Information Center	2,004,000	2,061,000	2,061,000	2,061,000	2,061,000	+57,000
(Limitation on administrative expenses)	(2,454,000)	(2,502,000)	(2,602,000)	(2,602,000)	(2,602,000)	(+148,000)

H.R. 3019 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Department of Health and Human Services						
Office of Consumer Affairs	2,166,000	1,811,000	.....	.....	1,800,000	-366,000
National Aeronautics and Space Administration						
Human space flight	5,514,897,000	5,509,600,000	5,456,600,000	5,456,600,000	5,456,600,000	-58,297,000
Science, aeronautics and technology	5,901,200,000	6,006,900,000	5,845,900,000	5,845,900,000	5,928,900,000	+27,700,000
Rescission	-10,000,000	.....	.....	.....	.....	+10,000,000
National aeronautical facilities	400,000,000	.....	.....	.....	.....	-400,000,000
Mission support	2,554,587,000	2,726,200,000	2,502,200,000	2,502,200,000	2,502,200,000	-52,387,000
Office of Inspector General	16,000,000	17,300,000	16,000,000	16,000,000	16,000,000	.....
Administrative provision: Transfer authority	.....	.....	(50,000,000)	(50,000,000)	(50,000,000)	(+50,000,000)
Total, NASA (net)	14,376,684,000	14,260,000,000	13,820,700,000	13,820,700,000	13,903,700,000	-472,984,000
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	.....
(Limitation on administrative expenses, corporate funds)	(901,000)	(560,000)	(560,000)	(560,000)	(560,000)	(-341,000)
National Science Foundation						
Research and related activities	2,280,000,000	2,454,000,000	2,274,000,000	2,274,000,000	2,314,000,000	+34,000,000
Rescission	-35,000,000	.....	.....	.....	.....	+35,000,000
Major research equipment	126,000,000	70,000,000	70,000,000	70,000,000	70,000,000	-56,000,000
Academic research infrastructure	250,000,000	100,000,000	100,000,000	100,000,000	100,000,000	-150,000,000
Education and human resources	605,974,000	599,000,000	599,000,000	599,000,000	599,000,000	-6,974,000
Salaries and expenses	123,966,000	127,310,000	127,310,000	127,310,000	127,310,000	+3,344,000
Office of Inspector General	4,380,000	4,490,000	4,490,000	4,490,000	4,490,000	+110,000
National Science Foundation headquarters relocation	5,200,000	5,200,000	5,200,000	5,200,000	5,200,000	.....
Total, NSF (net)	3,360,520,000	3,360,000,000	3,180,000,000	3,180,000,000	3,220,000,000	-140,520,000
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	38,667,000	55,000,000	38,667,000	38,667,000	38,667,000	.....
Selective Service System						
Salaries and expenses	22,930,000	23,304,000	22,930,000	22,930,000	22,930,000	.....
Total, title III, Independent agencies (net)	26,658,463,000	26,896,568,000	23,556,687,000	24,234,867,000	24,931,637,000	-1,726,826,000
Appropriations	(26,710,988,000)	(26,896,568,000)	(23,556,687,000)	(24,234,867,000)	(24,931,637,000)	(-1,779,351,000)
Rescissions	(-45,000,000)	.....	.....	.....	.....	(+45,000,000)
(Limitation on administrative expenses)	(623,746,500)	(2,502,000)	(17,602,000)	(17,602,000)	(17,602,000)	(-606,144,500)
(Limitation on direct loans)	(775,000,000)	(716,026,000)	(716,026,000)	(716,026,000)	(716,026,000)	(-58,974,000)
(Limitation on corporate funds)	(901,000)	(560,000)	(560,000)	(560,000)	(560,000)	(-341,000)
TITLE IV						
CORPORATIONS						
Federal Deposit insurance Corporation:						
FSLIC Resolution Fund	827,000,000	.....	.....	.....	.....	-827,000,000
FDIC affordable housing program	15,000,000	15,000,000	.....	.....	.....	-15,000,000
Total	842,000,000	15,000,000	.....	.....	.....	-842,000,000
Resolution Trust Corporation: Office of Inspector General	32,000,000	11,400,000	11,400,000	11,400,000	11,400,000	-20,600,000
Total, title IV, Corporations	874,000,000	26,400,000	11,400,000	11,400,000	11,400,000	-862,600,000
Grand total (net)	89,920,161,061	90,551,351,093	81,311,016,000	81,995,196,000	82,442,966,000	-7,477,195,061
Appropriations	(90,260,686,061)	(90,749,470,093)	(81,509,135,000)	(82,193,315,000)	(82,641,085,000)	(-7,619,601,061)
Rescissions	(-333,000,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(+134,881,000)
(By transfer)	(100,061,000)	(63,000)	(17,561,000)	(17,561,000)	(17,561,000)	(-82,500,000)
(Limitation on administrative expenses)	(623,746,500)	(2,502,000)	(17,602,000)	(17,602,000)	(17,602,000)	(-606,144,500)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	.....
(Limitation on direct loans)	(1,200,523,034)	(1,075,421,120)	(1,075,363,000)	(1,075,363,000)	(1,075,363,000)	(-125,160,034)
(Limitation on guaranteed loans)	(264,939,072,000)	(237,400,000,000)	(238,900,000,000)	(238,900,000,000)	(238,900,000,000)	(-26,039,072,000)
(Limitation on corporate funds)	(516,041,000)	(549,626,000)	(554,401,000)	(554,401,000)	(554,401,000)	(+38,360,000)

H.R. 3019 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
CONGRESSIONAL BUDGET RECAP						
Total appropriations in this bill (net)	89,920,161,061	90,551,351,093	81,311,016,000	81,995,196,000	82,442,966,000	-7,477,195,061
Scorekeeping adjustments	-7,987,944,000		22,000,000	3,000,000	2,000,000	+7,989,944,000
Total mandatory and discretionary	81,932,217,061	90,551,351,093	81,333,016,000	81,998,196,000	82,444,966,000	+512,748,939
Mandatory	20,316,311,000	20,043,351,000	20,043,351,000	20,043,351,000	20,043,351,000	-272,960,000
Discretionary:						
Crime trust fund		3,000,000				
General purposes:						
Defense (Function 050):						
Federal Emergency Management Agency:						
Salaries and expenses	62,411,000	44,006,000	43,874,000	43,874,000	43,874,000	-18,537,000
Emergency management planning and assistance	137,147,000	24,025,000	24,025,000	24,025,000	24,025,000	-113,122,000
Selective Service System	22,930,000	23,304,000	22,930,000	22,930,000	22,930,000	
National Science Foundation:						
Research and related activities		62,600,000	62,600,000	62,600,000	62,600,000	+62,600,000
Total, Defense	222,488,000	153,935,000	153,429,000	153,429,000	153,429,000	-69,059,000
Nondefense discretionary	61,393,418,061	70,351,065,093	61,136,236,000	61,801,416,000	62,248,186,000	+854,769,939
Total, General purposes	61,615,906,061	70,505,000,093	61,289,665,000	61,954,845,000	62,401,615,000	+785,708,939
Total, Discretionary	61,615,906,061	70,508,000,093	61,289,665,000	61,954,845,000	62,401,615,000	+785,708,939

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III)

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	TITLE II - SUPPLEMENTAL APPROPRIATIONS						
	CHAPTER I						
	DEPARTMENT OF AGRICULTURE						
	Natural Resources Conservation Service						
	Watershed and flood prevention operations						
104-183	(emergency appropriations)	60,000,000	73,200,000	.....	.....	-73,200,000	.....
104-183	Contingent emergency appropriations	40,000,000	.....	107,514,000	80,514,000	+80,514,000	-27,000,000
	Consolidated Farm Service Agency						
	Emergency conservation program (emergency						
104-183	appropriations)	30,000,000	24,800,000	30,000,000	30,000,000	+5,200,000	.....
	Commodity Credit Corporation						
	Emergency livestock feed assistance program						
.....	(emergency appropriations)	.....	7,500,000	.....	.....	-7,500,000	.....
.....	(1997 carryover)	.....	(2,500,000)	.....	.....	(-2,500,000)	.....
	Rural Housing and Community Development Service						
	Rural Housing Insurance Fund Program Account:						
	Low-income housing (sec. 502):						
104-183	Loan subsidy (emergency appropriations)	5,000,000	5,000,000	5,000,000	5,000,000	.....	.....
104-183	Loan authorization	(34,965,000)	(34,965,000)	(34,965,000)	(34,965,000)	.....	.....
	Housing repair (sec. 504):						
104-183	Loan subsidy (emergency appropriations)	1,500,000	1,500,000	1,500,000	1,500,000	.....	.....
104-183	Loan authorization	(3,995,000)	(3,995,000)	(3,995,000)	(3,995,000)	.....	.....
	Total, Rural Housing Insurance Fund	6,500,000	6,500,000	6,500,000	6,500,000	.....	.....
	Very low-income housing repair grants (emergency						
104-183	appropriations)	1,100,000	1,100,000	1,100,000	1,100,000	.....	.....
	Total, Rural Housing and Community Development Service	7,600,000	7,600,000	7,600,000	7,600,000	.....	.....
	Rural Utilities Service						
	Emergency community water assistance program						
104-183	(emergency appropriations)	5,000,000	5,000,000	.....	.....	-5,000,000	.....
	Rural utilities assistance program (emergency						
104-183	appropriations)	6,000,000	6,000,000	11,000,000	11,000,000	+5,000,000	.....
	Total, Rural Utilities Service	11,000,000	11,000,000	11,000,000	11,000,000	.....	.....
	Total, Chapter I:						
	New budget (obligational) authority	148,600,000	126,600,000	156,114,000	129,114,000	+2,514,000	-27,000,000
	Emergency appropriations	(108,600,000)	(126,600,000)	(48,600,000)	(48,600,000)	(-78,000,000)	.....
	Contingent emergency appropriations	(40,000,000)	.....	(107,514,000)	(80,514,000)	(+80,514,000)	(-27,000,000)
	CHAPTER II						
	DEPARTMENT OF JUSTICE						
	Federal Bureau of Investigation						
	Salaries and expenses (contingent emergency						
.....	appropriations)	.....	.....	7,000,000	.....	.....	-7,000,000
	DEPARTMENT OF COMMERCE						
	Economic Development Administration						
	Economic development assistance programs						
.....	(contingent emergency appropriations)	.....	.....	27,500,000	18,000,000	+18,000,000	-9,500,000
	National Oceanic and Atmospheric Administration						
104-183	Construction (emergency appropriations)	10,000,000	.....	10,000,000	7,500,000	+7,500,000	-2,500,000
	Total, Department of Commerce	10,000,000	.....	37,500,000	25,500,000	+25,500,000	-12,000,000
	DEPARTMENT OF STATE						
	Administration of Foreign Affairs						
	Diplomatic and consular program (emergency						
.....	appropriations)	.....	2,000,000	.....	.....	-2,000,000	.....
	RELATED AGENCIES						
	United States Information Agency						
.....	Salaries and expenses (emergency appropriations)	.....	1,000,000	.....	.....	-1,000,000	.....

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) -- continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Small Business Administration						
	Disaster Loans Program Account:						
104-183	Direct loans subsidy (emergency appropriations)	69,700,000	72,300,000	69,700,000	71,000,000	-1,300,000	+1,300,000
104-183	Administrative expenses (emergency appropriations)	30,300,000	27,700,000	30,300,000	29,000,000	+1,300,000	-1,300,000
	Total, Small Business Administration	100,000,000	100,000,000	100,000,000	100,000,000		
	Total, Chapter II:						
	New budget (obligational) authority	110,000,000	103,000,000	144,500,000	125,500,000	+22,500,000	-19,000,000
	Emergency appropriations	(110,000,000)	(103,000,000)	(110,000,000)	(107,500,000)	(+4,500,000)	(-2,500,000)
	Contingent emergency appropriations			(34,500,000)	(18,000,000)	(+18,000,000)	(-16,500,000)
	CHAPTER III						
	DEPARTMENT OF DEFENSE - CIVIL						
	Corps of Engineers - Civil						
104-183	Operation and maintenance, general (emergency appropriations)	30,000,000	30,000,000	30,000,000	30,000,000		
104-183	Flood control and coastal emergencies (emergency appropriations)	135,000,000	135,000,000	135,000,000	135,000,000		
	Total, Department of Defense - Civil	165,000,000	165,000,000	165,000,000	165,000,000		
	DEPARTMENT OF THE INTERIOR						
	Bureau of Reclamation						
104-183	Construction program (emergency appropriations)	9,000,000	9,000,000	9,000,000	9,000,000		
104-183	Contingent emergency appropriations	9,000,000		9,000,000			-9,000,000
	Total, Department of the Interior	18,000,000	9,000,000	18,000,000	9,000,000		-9,000,000
	DEPARTMENT OF ENERGY						
	Atomic Energy Defense Activities						
	Other Defense Activities				15,000,000	+15,000,000	+15,000,000
	Power Marketing Administrations						
104-183	Operation and maintenance, Alaska Power Administration (by transfer)	(5,500,000)	(5,500,000)		(5,500,000)		(+5,500,000)
	Total, Chapter III:						
	New budget (obligational) authority	183,000,000	174,000,000	183,000,000	189,000,000	+15,000,000	+6,000,000
	Appropriations				(15,000,000)	(+15,000,000)	(+15,000,000)
	Emergency appropriations	(174,000,000)	(174,000,000)	(174,000,000)	(174,000,000)		
	Contingent emergency appropriations	(9,000,000)		(9,000,000)			(-9,000,000)
	(By transfer)	(5,500,000)	(5,500,000)		(5,500,000)		(+5,500,000)
	CHAPTER IV						
	BILATERAL ECONOMIC ASSISTANCE						
	FUNDS APPROPRIATED TO THE PRESIDENT						
104-187	Unanticipated needs for Defense of Israel against terrorism (emergency appropriations)	50,000,000		50,000,000	50,000,000	+50,000,000	
	MILITARY ASSISTANCE						
	FUNDS APPROPRIATED TO THE PRESIDENT						
104-178	Foreign Military Assistance Program: Grants	140,000,000	70,000,000	70,000,000	70,000,000		
	Total, Chapter IV:						
	New budget (obligational) authority	190,000,000	70,000,000	120,000,000	120,000,000	+50,000,000	
	Appropriations	(140,000,000)	(70,000,000)	(70,000,000)	(70,000,000)		
	Emergency appropriations	(50,000,000)		(50,000,000)	(50,000,000)	(+50,000,000)	
	CHAPTER V						
	DEPARTMENT OF THE INTERIOR						
	Bureau of Land Management						
104-183	Construction and access (emergency appropriations)	4,242,000	4,242,000	4,242,000	4,242,000		
	Contingent emergency appropriations			758,000	758,000	+758,000	
104-183	Oregon and California grant lands (emergency appropriations)	19,548,000	19,548,000	19,548,000	19,548,000		
	Contingent emergency appropriations			15,452,000	15,452,000	+15,452,000	
	Total, Bureau of Land Management	23,790,000	23,790,000	40,000,000	40,000,000	+16,210,000	
	United States Fish and Wildlife Service						
	Resource management (contingent emergency appropriations)			1,600,000	1,600,000	+1,600,000	

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
104-183	Construction (emergency appropriations)	20,505,000	20,505,000	20,505,000	20,505,000		
	Contingent emergency appropriations			16,795,000	16,795,000	+16,795,000	
	Total, United States Fish and Wildlife Service	20,505,000	20,505,000	38,900,000	38,900,000	+18,395,000	
	National Park Service						
104-183	Construction (emergency appropriations)	33,601,000	33,601,000	33,601,000	33,601,000		
	Contingent emergency appropriations			13,399,000	13,399,000	+13,399,000	
	Total, National Park Service	33,601,000	33,601,000	47,000,000	47,000,000	+13,399,000	
	United States Geological Survey						
104-183	Surveys, investigations, and research (emergency appropriations)	1,176,000	1,176,000	1,176,000	1,176,000		
	Contingent emergency appropriations			824,000	824,000	+824,000	
	Total, United States Geological Survey	1,176,000	1,176,000	2,000,000	2,000,000	+824,000	
	Bureau of Indian Affairs						
104-183	Operation of Indian programs (emergency appropriations)	500,000	500,000	500,000	500,000		
104-183	Construction (emergency appropriations)	9,428,000	9,428,000	9,428,000	9,428,000		
	Contingent emergency appropriations			7,072,000	7,072,000	+7,072,000	
	Total, Bureau of Indian Affairs	9,928,000	9,928,000	17,000,000	17,000,000	+7,072,000	
	Territorial and International Affairs						
104-183	Assistance to territories (emergency appropriations)	2,000,000	2,000,000	2,000,000	2,000,000		
	Contingent emergency appropriations			11,000,000	11,000,000	+11,000,000	
	Total, Department of the Interior	91,000,000	91,000,000	157,900,000	157,900,000	+66,900,000	
	DEPARTMENT OF AGRICULTURE						
	Forest Service						
104-183	National forest system (emergency appropriations)	20,000,000	20,000,000	20,000,000	20,000,000		
	Contingent emergency appropriations			6,600,000	6,600,000	+6,600,000	
104-183	Construction (emergency appropriations)	40,000,000	40,000,000	40,000,000	40,000,000		
104-183	Contingent emergency appropriations	20,000,000	20,000,000	20,800,000	20,800,000	+800,000	
	Total, Forest Service	80,000,000	80,000,000	87,400,000	87,400,000	+7,400,000	
	Total, Chapter V:						
	New budget (obligational) authority	171,000,000	171,000,000	245,300,000	245,300,000	+74,300,000	
	Emergency appropriations	(151,000,000)	(151,000,000)	(151,000,000)	(151,000,000)		
	Contingent emergency appropriations	(20,000,000)	(20,000,000)	(94,300,000)	(94,300,000)	(+74,300,000)	
	CHAPTER VI						
	DEPARTMENT OF DEFENSE						
104-179	North Atlantic Treaty Organization Infrastructure (emergency appropriations)	37,500,000	37,500,000	37,500,000	37,500,000		
	CHAPTER VII						
	DEPARTMENT OF DEFENSE						
	Military Personnel						
	Military Personnel, Army			244,400,000			-244,400,000
104-179	Emergency appropriations	244,400,000	262,200,000		257,200,000	-5,000,000	+257,200,000
	Military Personnel, Navy			11,700,000			-11,700,000
104-179	Emergency appropriations	11,700,000	11,800,000		11,700,000	-100,000	+11,700,000
	Military Personnel, Marine Corps			2,600,000			-2,600,000
104-179	Emergency appropriations	2,600,000	2,700,000		2,600,000	-100,000	+2,600,000
	Military Personnel, Air Force			27,300,000			-27,300,000
104-179	Emergency appropriations	27,300,000	33,700,000		27,300,000	-6,400,000	+27,300,000
	Total, Military Personnel	286,000,000	310,400,000	286,000,000	298,800,000	-11,600,000	+12,800,000
	Operation and Maintenance						
	Operation and Maintenance, Army			195,000,000			-195,000,000
104-179	Emergency appropriations	48,200,000	235,200,000		241,500,000	+6,300,000	+241,500,000
	Operation and Maintenance, Marine Corps			900,000			-900,000
104-179	Emergency appropriations	900,000	900,000		900,000		+900,000
	Operation and Maintenance, Air Force			190,000,000	44,900,000	+44,900,000	-145,100,000
104-179	Emergency appropriations	141,500,000	130,200,000		173,000,000	+42,800,000	+173,000,000
	(By transfer)			(44,900,000)			(-44,900,000)

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
.....	Operation and Maintenance, Defense-Wide	.....	.....	79,800,000	.....	.....	-79,800,000
104-179	Emergency appropriations	79,800,000	79,800,000	.....	79,800,000	.....	+79,800,000
.....	(By transfer)	.....	.....	(15,000,000)	(15,000,000)	(+15,000,000)	.....
	Total, Operation and Maintenance	270,500,000	446,100,000	465,700,000	540,100,000	+94,000,000	+74,400,000
	Procurement						
.....	Other Procurement, Air Force	.....	.....	26,000,000	.....	.....	-26,000,000
104-179	Emergency appropriations	26,000,000	26,000,000	.....	26,000,000	.....	+26,000,000
	Research, Development, Test and Evaluation						
.....	Research, Development, Test and Evaluation, Army (by transfer)	.....	.....	.....	(8,000,000)	(+8,000,000)	(+8,000,000)
.....	Research, Development, Test and Evaluation, Navy	.....	.....	.....	10,000,000	+10,000,000	+10,000,000
.....	Research, Development, Test and Evaluation, Defense-Wide	.....	.....	50,000,000	50,000,000	+50,000,000	.....
	Total, Research, Development, Test and Evaluation	.....	.....	50,000,000	60,000,000	+60,000,000	+10,000,000
	General Provisions						
104-179	Additional transfer authority (sec. 8001)	(1,000,000,000)	(1,000,000,000)	(300,000,000)	(700,000,000)	(-300,000,000)	(+400,000,000)
	Total, Chapter VII:						
	New budget (obligational) authority	582,500,000	782,500,000	827,700,000	924,900,000	+142,400,000	+97,200,000
	Appropriations	.....	.....	(827,700,000)	(104,900,000)	(+104,900,000)	(-722,800,000)
	Emergency appropriations	(582,500,000)	(782,500,000)	.....	(820,000,000)	(+37,500,000)	(+820,000,000)
	(Transfer authority)	(1,000,000,000)	(1,000,000,000)	(300,000,000)	(700,000,000)	(-300,000,000)	(+400,000,000)
	(By transfer)	.....	.....	(59,900,000)	(23,000,000)	(+23,000,000)	(-36,900,000)
	CHAPTER VIII						
	DEPARTMENT OF TRANSPORTATION						
	Federal Highway Administration						
104-183	Federal-aid highways (Highway Trust Fund) (emergency appropriations)	267,000,000	267,000,000	267,000,000	267,000,000	.....	.....
.....	Contingent emergency appropriations	.....	.....	33,000,000	33,000,000	+33,000,000	.....
	Federal Railroad Administration						
.....	Local rail freight assistance (contingent emergency appropriations)	.....	.....	10,000,000	.....	.....	-10,000,000
	Federal Transit Administration						
104-183	Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(375,000,000)	(375,000,000)	(375,000,000)	(375,000,000)	.....	.....
	Total, Department of Transportation	267,000,000	267,000,000	310,000,000	300,000,000	+33,000,000	-10,000,000
	RELATED AGENCY						
	Panama Canal Commission						
104-183	Panama Canal revolving fund (administrative expenses)	(2,000,000)	(2,000,000)	.....	(2,000,000)	.....	(+2,000,000)
	Total, Chapter VIII:						
	New budget (obligational) authority	267,000,000	267,000,000	310,000,000	300,000,000	+33,000,000	-10,000,000
	Emergency appropriations	(267,000,000)	(267,000,000)	(267,000,000)	(267,000,000)	.....	.....
	Contingent emergency appropriations	.....	.....	(43,000,000)	(33,000,000)	(+33,000,000)	(-10,000,000)
	CHAPTER IX						
	DEPARTMENT OF THE TREASURY						
	Departmental Offices						
.....	Salaries and expenses (contingent emergency appropriations)	.....	.....	3,000,000	.....	.....	-3,000,000
	FUNDS APPROPRIATED TO THE PRESIDENT						
104-183	Office of National Drug Control Policy	3,400,000	.....	3,900,000	3,400,000	+3,400,000	-500,000
	Total, Chapter IX:						
	New budget (obligational) authority	3,400,000	.....	6,900,000	3,400,000	+3,400,000	-3,500,000
	Appropriations	(3,400,000)	.....	(3,900,000)	(3,400,000)	(+3,400,000)	(-500,000)
	Contingent emergency appropriations	.....	.....	(3,000,000)	.....	.....	(-3,000,000)

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER X						
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Community Planning and Development						
.....	Community development grants (contingent emergency appropriations)	.....	.....	100,000,000	50,000,000	+50,000,000	-50,000,000
	OTHER INDEPENDENT AGENCIES						
	Federal Emergency Management Agency						
.....	Disaster relief (contingent emergency appropriations)	.....	150,000,000	150,000,000	.....	-150,000,000	-150,000,000
	Disaster Assistance Direct Loan Program Account:						
104-183	Loan subsidy (emergency appropriations)	103,729,000	.....	.....	.....	.....	.....
104-183	(Loan authorization)	(118,874,000)	.....	.....	.....	.....	.....
.....	(By transfer) (emergency appropriations)	.....	(103,729,000)	(103,729,000)	(104,000,000)	(+271,000)	(+271,000)
	Total, Chapter X:						
	New budget (obligational) authority	103,729,000	150,000,000	250,000,000	50,000,000	-100,000,000	-200,000,000
	Emergency appropriations	(103,729,000)	.....	.....	.....	.....	.....
	Contingent emergency appropriations	.....	(150,000,000)	(250,000,000)	(50,000,000)	(-100,000,000)	(-200,000,000)
	Total, title II:						
	New budget (obligational) authority	1,796,729,000	1,881,600,000	2,281,014,000	2,124,714,000	+243,114,000	-156,300,000
	Appropriations	(143,400,000)	(70,000,000)	(901,600,000)	(193,300,000)	(+123,300,000)	(-708,300,000)
	Emergency appropriations	(1,584,329,000)	(1,641,600,000)	(838,100,000)	(1,655,600,000)	(+14,000,000)	(+817,500,000)
	Contingent emergency appropriations	(69,000,000)	(170,000,000)	(541,314,000)	(275,814,000)	(+105,814,000)	(-265,500,000)
	(Transfer authority)	(1,000,000,000)	(1,000,000,000)	(300,000,000)	(700,000,000)	(-300,000,000)	(+400,000,000)
	(By transfer) (emergency appropriations)	.....	(103,729,000)	(103,729,000)	(104,000,000)	(+271,000)	(+271,000)
	(By transfer)	(5,500,000)	(5,500,000)	(59,900,000)	(28,500,000)	(+23,000,000)	(-31,400,000)
	TITLE III - RESCISSIONS AND OFFSETS						
	CHAPTER I						
	DEPARTMENT OF ENERGY						
.....	U.S. Enrichment Corporation privatization	.....	.....	.....	.....	.....	.....
.....	Bonneville Power Administration refinancing	.....	.....	.....	.....	.....	.....
	CHAPTER II						
	EXPORT-IMPORT BANK OF THE UNITED STATES						
.....	Limitation of program activity (rescission)	.....	-41,000,000	-25,000,000	-42,000,000	-1,000,000	-17,000,000
	CHAPTER III						
	DEPARTMENT OF ENERGY						
.....	Strategic Petroleum Reserve (offset)	.....	.....	-227,000,000	-227,000,000	-227,000,000	.....
	CHAPTER IV						
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Administration for Children and Families						
.....	Job opportunities and basic skills (JOBS) (offset)	.....	.....	-10,000,000	-10,000,000	-10,000,000	.....
	DEPARTMENT OF EDUCATION						
.....	Student financial assistance (rescission)	.....	.....	.....	-53,446,000	-53,446,000	-53,446,000
	Total, Chapter IV:						
	New budget (obligational) authority	.....	.....	-10,000,000	-63,446,000	-63,446,000	-53,446,000
	Rescissions	.....	.....	.....	(-53,446,000)	(-53,446,000)	(-53,446,000)
	Offsets	.....	.....	(-10,000,000)	(-10,000,000)	(-10,000,000)	.....
	CHAPTER V						
	DEPARTMENT OF DEFENSE						
.....	Military construction, Army (rescission)	.....	.....	.....	-8,385,000	-8,385,000	-8,385,000
.....	Military construction, Navy (rescission)	.....	.....	.....	-6,385,000	-6,385,000	-6,385,000
.....	Military construction, Air Force (rescission)	.....	.....	.....	-6,385,000	-6,385,000	-6,385,000
.....	Military construction, Defense-Wide (rescission)	.....	.....	.....	-18,345,000	-18,345,000	-18,345,000
	Total, Chapter V:						
	Rescissions	.....	.....	.....	-37,500,000	-37,500,000	-37,500,000
	CHAPTER VI						
	DEPARTMENT OF DEFENSE						
	Procurement						
104-162	Missile Procurement, Air Force (rescission)	-310,000,000	-310,000,000	-310,000,000	-310,000,000	.....	.....
104-162	Other Procurement, Air Force (rescission)	-265,000,000	-265,000,000	-265,000,000	-265,000,000	.....	.....
	Total, Procurement	-575,000,000	-575,000,000	-575,000,000	-575,000,000	.....	.....

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Research, Development, Test and Evaluation						
104-180	Research, Development, Test and Evaluation, Army (rescission)	-19,500,000	-9,750,000	-7,000,000	-19,500,000	-9,750,000	-12,500,000
104-180	Research, Development, Test and Evaluation, Navy (rescission)	-35,000,000	-17,500,000	-12,500,000	-45,000,000	-27,500,000	-32,500,000
104-180 104-162	Research, Development, Test and Evaluation, Air Force (rescission)	-289,900,000	-267,450,000	-261,000,000	-314,800,000	-47,350,000	-53,800,000
104-180	Research, Development, Test and Evaluation, Defense-Wide (rescission)	-40,600,000	-20,300,000	-14,500,000	-40,600,000	-20,300,000	-26,100,000
	Total, Research, Development, Test and Evaluation	-385,000,000	-315,000,000	-295,000,000	-419,900,000	-104,900,000	-124,900,000
	Total, Chapter VI: Rescissions	-960,000,000	-890,000,000	-870,000,000	-994,900,000	-104,900,000	-124,900,000
	CHAPTER VII						
	DEPARTMENT OF TRANSPORTATION						
	Federal Aviation Administration						
.....	Grants-in-aid for airports (Airport and Airway Trust Fund): Rescission of contract authority	.....	.....	-664,000,000	-664,000,000	-664,000,000	.....
	Federal Highway Administration						
.....	Highway-related safety grants (Highway Trust Fund) (rescission of contract authority)	.....	.....	.....	-9,000,000	-9,000,000	-9,000,000
.....	Motor carrier safety grants (Highway Trust Fund) (rescission of contract authority)	.....	.....	.....	-33,000,000	-33,000,000	-33,000,000
	Total, Federal Highway Administration	.....	.....	.....	-42,000,000	-42,000,000	-42,000,000
	National Highway Traffic Safety Administration						
.....	Highway traffic safety grants (Highway Trust Fund) (rescission of contract authority)	.....	.....	.....	-56,000,000	-56,000,000	-56,000,000
	Total, Chapter VII: Rescissions of contract authority	.....	.....	-664,000,000	-762,000,000	-762,000,000	-98,000,000
	CHAPTER VIII						
	INDEPENDENT AGENCIES						
	General Services Administration						
	Federal Buildings Fund: Limitations on availability of revenue:						
.....	Installment acquisition payments (rescission)	.....	.....	-3,500,000	-3,400,000	-3,400,000	+100,000
104-182	Repairs and alterations (rescission)	-3,500,000	.....	-200,000	.....	.....	+200,000
	Total, Federal Buildings Fund: Rescissions	-3,500,000	.....	-3,700,000	-3,400,000	-3,400,000	+300,000
.....	United States Tax Court (rescission)	.....	.....	-200,000	.....	.....	+200,000
	Total, Chapter VIII: Rescissions	-3,500,000	.....	-3,900,000	-3,400,000	-3,400,000	+500,000
	CHAPTER IX						
	INDEPENDENT AGENCY						
	Federal Emergency Management Agency						
.....	Disaster relief (emergency rescission)	.....	.....	.....	-1,000,000,000	-1,000,000,000	-1,000,000,000
	CHAPTER X						
	DEPARTMENT OF TREASURY						
	Financial Management Service						
.....	Debt collection initiatives (offset)	.....	.....	-440,000,000	-540,000,000	-540,000,000	-100,000,000
	GENERAL PROVISIONS						
.....	Federal administrative and personal services expenses (rescission)	.....	.....	.....	-500,000,000	-500,000,000	-500,000,000
	Total, Chapter X:						
	New budget (obligational) authority	.....	.....	-440,000,000	-1,040,000,000	-1,040,000,000	-600,000,000
	Rescissions	.....	.....	.....	(-500,000,000)	(-500,000,000)	(-500,000,000)
	Offsets	.....	.....	(-440,000,000)	(-540,000,000)	(-540,000,000)	(-100,000,000)

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Total, title III:						
	New budget (obligational) authority	-963,500,000	-931,000,000	-2,239,900,000	-4,170,246,000	-3,239,246,000	-1,930,346,000
	Rescissions	(-963,500,000)	(-931,000,000)	(-898,900,000)	(-1,631,246,000)	(-700,246,000)	(-732,346,000)
	Offsets			(-677,000,000)	(-777,000,000)	(-777,000,000)	(-100,000,000)
	Rescissions of contract authority			(-664,000,000)	(-762,000,000)	(-762,000,000)	(-98,000,000)
	Emergency rescission				(-1,000,000,000)	(-1,000,000,000)	(-1,000,000,000)
	TITLE IV - CONTINGENT SUPPLEMENTAL						
	CHAPTER I						
	DEPARTMENT OF COMMERCE						
	National Institute of Standards and Technology						
	Industrial technology services		100,000,000	235,000,000		-100,000,000	-235,000,000
	Technology Administration						
	Salaries and expenses			2,500,000			-2,500,000
	Total, Department of Commerce		100,000,000	237,500,000		-100,000,000	-237,500,000
	DEPARTMENT OF STATE						
	Administration of Foreign Affairs						
	Security and maintenance of United States Missions			8,500,000			-8,500,000
	International Organizations and Conferences						
	Contributions to international organizations, current year assessment		158,000,000	223,000,000		-158,000,000	-223,000,000
	Contributions for international peacekeeping activities, current year assessment		200,000,000	215,000,000		-200,000,000	-215,000,000
	Total, Department of State		358,000,000	446,500,000		-358,000,000	-446,500,000
	RELATED AGENCY						
	Legal Services Corporation						
	Payment to the Legal Services Corporation			9,000,000			-9,000,000
	Total, Chapter I:						
	New budget (obligational) authority		458,000,000	693,000,000		-458,000,000	-693,000,000
	CHAPTER II						
	DEPARTMENT OF THE INTERIOR						
	Bureau of Land Management						
	Payment in lieu of taxes			12,500,000			-12,500,000
	National Park Service						
	Operation of the national park system			35,000,000			-35,000,000
	Bureau of Indian Affairs						
	Operation of Indian programs			35,000,000			-35,000,000
	Total, Department of the Interior			82,500,000			-82,500,000
	DEPARTMENT OF ENERGY						
	Energy conservation			35,000,000			-35,000,000
	Total, Chapter II:						
	New budget (obligational) authority			117,500,000			-117,500,000
	CHAPTER III						
	DEPARTMENT OF LABOR						
	Employment and Training Administration						
	Training and employment services		111,800,000			-111,800,000	
	Regular appropriations			1,213,300,000			-1,213,300,000
	State unemployment insurance and employment service operations		33,000,000			-33,000,000	
	Regular appropriations			18,000,000			-18,000,000
	Total, Employment and Training Administration		144,800,000	1,231,300,000		-144,800,000	-1,231,300,000
	Departmental Management						
	Salaries and expenses			12,000,000			-12,000,000
	Total, Department of Labor		144,800,000	1,243,300,000		-144,800,000	-1,243,300,000

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Substance Abuse and Mental Health Services Administration						
	Substance abuse and mental health services		100,000,000	134,107,000		-100,000,000	-134,107,000
	Administration for Children and Families						
	Children and families services program (regular appropriations)			136,700,000			-136,700,000
	Health Resources and Services Administration						
	Program operations			55,256,000			-55,256,000
	Total, Department of Health and Human Services.		100,000,000	326,063,000		-100,000,000	-326,063,000
	DEPARTMENT OF EDUCATION						
	Education reform		389,500,000			-389,500,000	
	(Advance appropriations, FY 1997)			151,000,000			-151,000,000
	Compensation education for the disadvantaged		961,000,000			-961,000,000	
	(Advance appropriations, FY 1997)			814,489,000			-814,489,000
	Vocational and adult education						
	(Advance appropriations, FY 1997)			82,750,000			-82,750,000
	School improvement programs		12,000,000			-12,000,000	
	(Advance appropriations, FY 1997)			208,000,000			-208,000,000
	Student financial assistance (regular appropriations)			90,000,000			-90,000,000
	Education research, statistics, and improvement		23,000,000			-23,000,000	
	(Advance appropriations, FY 1997)			10,000,000			-10,000,000
	Total, Department of Education		1,385,500,000	1,356,239,000		-1,385,500,000	-1,356,239,000
	Total, Chapter III:						
	New budget (obligational) authority		1,630,300,000	2,925,602,000		-1,630,300,000	-2,925,602,000
	Appropriations			(1,458,000,000)			(-1,458,000,000)
	Advance appropriations, FY 1997			(1,266,239,000)			(-1,266,239,000)
	Contingent appropriations		(1,630,300,000)	(201,363,000)		(-1,630,300,000)	(-201,363,000)
	CHAPTER IV						
	DEPARTMENT OF VETERANS AFFAIRS						
	Departmental Administration						
	Construction, major projects		70,100,000	16,000,000		-70,100,000	-16,000,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Selected Housing Programs						
	Annual contributions for assisted housing		150,000,000	200,000,000		-150,000,000	-200,000,000
	Severely distressed public housing		220,000,000	120,000,000		-220,000,000	-120,000,000
	Payments for operation of low-income housing		50,000,000	50,000,000		-50,000,000	-50,000,000
	Total, Selected Housing Programs		420,000,000	370,000,000		-420,000,000	-370,000,000
	Management and Administration						
	Departmental restructuring fund			20,000,000			-20,000,000
	Total, Department of Housing and Urban Development		420,000,000	390,000,000		-420,000,000	-390,000,000
	INDEPENDENT AGENCIES						
	Community Development Financial Institutions						
	Community development financial institutions fund program account		25,000,000			-25,000,000	
	Corporation for National and Community Service						
	National and community service programs operating expenses		383,500,000			-383,500,000	
	Office of Inspector General		2,000,000			-2,000,000	
	Total, Corporation for National and Community Service		385,500,000			-385,500,000	
	Environmental Protection Agency						
	Environmental programs and management		150,000,000			-150,000,000	
	Buildings and facilities		50,000,000			-50,000,000	
	Hazardous substance superfund		100,000,000			-100,000,000	
	State and tribal assistance grants		3,500,000			-3,500,000	
	Total, Environmental Protection Agency		303,500,000			-303,500,000	

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Executive Office of the President						
	Council on Environmental Quality and Office of Environmental Quality		500,000			-500,000	
	National Aeronautics and Space Administration						
	Space, aeronautics and technology			83,000,000			-83,000,000
	National Science Foundation						
	Research and related activities		40,000,000	40,000,000		-40,000,000	-40,000,000
	Total, Chapter IV:						
	New budget (obligational) authority		1,244,600,000	529,000,000		-1,244,600,000	-529,000,000
	Total, title IV:						
	New budget (obligational) authority		3,332,900,000	4,265,102,000		-3,332,900,000	-4,265,102,000
	Appropriations			(1,458,000,000)			(-1,458,000,000)
	Advance appropriations, FY 1997			(1,266,239,000)			(-1,266,239,000)
	Contingent appropriations		(3,332,900,000)	(1,540,863,000)		(-3,332,900,000)	(-1,540,863,000)
	TITLE V - ENVIRONMENTAL INITIATIVES						
	INDEPENDENT AGENCIES						
	Environmental Protection Agency						
	Environmental programs and management			87,000,000			-87,000,000
	Buildings and facilities			50,000,000			-50,000,000
	State and tribal assistance grants			300,000,000			-300,000,000
	Hazardous substance superfund			50,000,000			-50,000,000
	Total, title V:						
	New budget (obligational) authority			487,000,000			-487,000,000
	Grand total, all titles:						
	New budget (obligational) authority	833,229,000	4,283,500,000	4,793,216,000	-2,045,532,000	-6,329,032,000	-6,838,748,000
	Appropriations	(143,400,000)	(70,000,000)	(2,846,600,000)	(193,300,000)	(+123,300,000)	(-2,653,300,000)
	Rescissions	(-963,500,000)	(-931,000,000)	(-898,900,000)	(-1,631,246,000)	(-700,246,000)	(-732,346,000)
	Rescissions of contract authority			(-664,000,000)	(-762,000,000)	(-762,000,000)	(-98,000,000)
	Offsets			(-677,000,000)	(-777,000,000)	(-777,000,000)	(-100,000,000)
	Contingent appropriations		(3,332,900,000)	(1,540,863,000)		(-3,332,900,000)	(-1,540,863,000)
	Emergency appropriations	(1,584,329,000)	(1,641,600,000)	(838,100,000)	(1,655,600,000)	(+14,000,000)	(+817,500,000)
	Contingent emergency appropriations	(69,000,000)	(170,000,000)	(541,314,000)	(275,814,000)	(+105,814,000)	(-265,500,000)
	Emergency rescission				(-1,000,000,000)	(-1,000,000,000)	(-1,000,000,000)
	Advance appropriations, FY 1997			(1,266,239,000)			(-1,266,239,000)
	(Transfer authority)	(1,000,000,000)	(1,000,000,000)	(300,000,000)	(700,000,000)	(-300,000,000)	(+400,000,000)
	(By transfer) (emergency appropriations)		(103,729,000)	(103,729,000)	(104,000,000)	(+271,000)	(+271,000)
	(By transfer)	(5,500,000)	(5,500,000)	(59,900,000)	(28,500,000)	(+23,000,000)	(-31,400,000)

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

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

Mr. Speaker, this really is a very good day for this institution, and in my view it marks the end of a very dark period.

The House does not run the Government. We do not execute the laws or administer the programs of this Government, but we do play a central role in funding the activities and responsibilities of the Federal Government. That in fact is the core of the responsibility given to this institution by the Constitution.

I would say over the past year this House has failed to meet that responsibility to a degree that has no precedence in the history of the Republic. For more than 7 months, this House held most of the departments and agencies of this Government in a state of suspended animation. On two separate occasions it sent Federal workers—who by and large wanted to show up and do their jobs—it sent them home for what amounted to 27 days of forced vacations paid for at taxpayers expense.

This Congress drove numerous hardworking small businessmen to near the brink of bankruptcy because they had the misfortune of having significant contracts with the Federal Government that were screwed up by the mismanagement of this place. As a result, there have been significantly increased costs to the taxpayer for purchasing services from those vendors in the future.

This House, during that process, also denied services to millions of Americans who wanted passports or who wanted to visit national parks or who had become eligible for veterans' benefits that they were not permitted to receive.

Today, finally, we can say that that nonsense for the remainder of this year is over, and for that I am very grateful. There will be a lot of people who want to claim credit for that, but in my view the people who really deserve the credit are the American people, because they turned in to what were some very complex measures.

They began to realize that the budget that this Congress was insisting on was going to eliminate 40,000 title I teachers in school districts all across the country, teachers who would provide services to nearly a million kids, to help those kids learn to read and help those kids learn to deal with mathematics. The American people also came to realize that this Congress was trying to turn its back on the commitment that had been made to increase the number of cops on the beat by 100,000. They also found out that this Congress was trying to gut many enforcement rules to clean up the environment, and that these bills were being loaded up with special riders to help commercial interests to denigrate our environmental heritage for personal gain.

And they sent a loud and clear message to this body that that is not what we were sent here to do. So today finally we have before us a funding proposal for the Federal Government that is not a great proposal. There are many flaws in it, many defects, but I would point out nonetheless it is a reasonable proposal, in contrast to the appropriation bills which worked their way through here previously. It is one that in major respects is consistent with the direction in which the American people want to go.

It does save money. It saves the same $23 billion that were saved originally when the bills went through this House, but it saves that money in a far more fair way, in a far more balanced way. It protects the basic important activities that the public wants, the activities for which we in the minority have fought.

It is time to pass this plan and move on. Surely everyone by now should recognize this fact. What this bill does today, in contrast to the prior appropriation bills, is to demonstrate that we not only know the value of a tax dollar but we also understand the value of human beings.

This chart demonstrates that since January 1993 we have steadily been reducing the deficit. When President Bush left office, the deficit for that year was projected to be $327 billion. That dropped to $255 billion; to $202 billion for the following fiscal year; to $162 billion last year, and the process continues under the passage of this bill.

Two years ago, the last year that I chaired this committee, we cut 408 programs. We eliminated 40 programs. That was the first year in post-war history when discretionary outlays of the Federal Government actually went down.

That process is continuing, and we applaud that. But in the process, we have also been able to restore 92 percent of the money that was cut by this House originally for education. We have fully restored title I. We have fully restored Head Start. We have fully restored Safe and Drug-Free Schools. We have made healthy again the School-to-Work Program. We have increased the maximum Pell grant.

□ 1530

On the job training front, we have restored 90 percent of the cuts originally made by this House. In the area of worker protection, the 30-percent cut below 1995 which was originally provided for worker protections at the National Labor Relations Board has been reduced to a 3-percent cut. The cut of 15 percent for the enforcement of worker safety in OSHA has been cut to 2 percent. We have restored half of the reductions for the senior citizen job programs, like Green Thumb and Senior Aides. The Low Income Heating Assistance Program, which was eliminated by this House, has been restored to $900 million, plus $420 million in carry-over funds. Six of the seven environmental riders added by this Congress are gone. Fourteen of the seventeen riders that were attached to Education and Labor provisions in the bill are now gone, and the other three have been modified to suit the objections of the President and the minority. So this is a decent product.

I want to express my appreciation to the chairman of the committee, the gentleman from Louisiana [Mr. LIVINGSTON], for having helped to finally achieve a bipartisan solution to this problem. He worked very hard and worked in a very bipartisan way, and I very much appreciate that.

I want to express my deep thanks to Senator BYRD and Senator HATFIELD. When you deal with those two gentlemen, as one member of my staff said, you know you are truly in the presence of people who are U.S. Senators and deserve to be thought of that way.

I would simply say in closing also that I hope that we will pass this legislation and move on with the passage of our appropriation bills for the next year in a way which will never again shut down the U.S. Government. That does not have to happen.

This legislation shows you can save money without ignoring the value of human beings, without ignoring the necessity to invest in human beings. It is a far less savage and far more civilized approach. I would urge support for the package.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. NEUMANN], a member of the Committee on Appropriations and the Committee on the Budget.

Mr. NEUMANN. Mr. Speaker, I would like to start by congratulating the chairman of the Committee on Appropriations and the Committee on the Budget for their great effort here. We have hit every target. A year ago the freshmen had some doubts as to whether we would get to all of these numbers. We have tracked them for over a year, and you have literally hit every target or are ahead of schedule. You deserve congratulations for that.

When we arrived here a year ago, 73 freshmen came in here, and what we found is this. We found a deficit line, this red line on the chart, that was at $200 billion and growing every year indefinitely into the future.

We took action. We passed a rescission bill, took $11 billion out. The appropriators went to work. The gentleman from Ohio [Mr. KASICH] gave them a number, and said $23 billion has to go. You have to come in $23 billion under the previous year, the first time in a generation this has been done. The appropriations did their job.

This is where we were by December, but we dared to dream. We dared to dream that we could restore the future of this Nation and get us on track. This green line is the track, the glidepath to a balanced budget. We dared to dream about balancing the budget to preserve our Nation for our children.

So we set a target for fiscal year 1996. That target was $157 billion. What happened? The markets looked at this and saw the struggles we went through, and the markets reacted. Exactly as Alan Greenspan predicted they would, the interest rates stayed down. When the interest rates stayed down, it left this picture. It left the graph and went into real life. Because when the interest rates stayed down, our young people could afford to buy houses and cars, and when our young people can afford to buy houses and cars, the logical next thing that happens is somebody has to build those houses and build those cars, and that is jobs and job opportunities for our young people. Folks, this is exactly how America is supposed to work.

But that was not the end of the story. When the markets reacted in that way and the appropriators fulfilled their commitment to our Nation, not only did we hit this target, you see, they were afraid, it was an election year, and other Congresses have been here, and Gramm-Rudman-Hollings and Gramm-Rudman-Hollings II. But in this election year, this Congress not only did not fail, they hit their work, and they are actually $13 billion under what the projected deficit had to be in order for us to be on that glidepath.

Mr. Speaker, this is a great day for the future of this great Nation of ours.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. YATES], the ranking member of the Subcommittee on Interior.

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

Mr. YATES. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me time.

Mr. Speaker, I was a conferee on this conference. I did not sign the conference agreement because I am very strongly opposed to the bill. It is true that in many respects after the negotiations that have taken place over these last few days the bill is better than it was before the negotiations. But in my opinion, the bill is so bad it is not susceptible to correction.

For example, it badly hurts the Indian people, their health, their education. It hurts the national parks by taking money from essential construction and moving it over to operations. It hurts the national forests by increasing the timber cut, by building timber roads in ancient forests and jeopardizing habitat, wetlands, and environment. It sounds the death knell for the Endowments for the Acts and the Humanities. And by its use of sufficiency language in various paragraphs of the bill, it deprives the public from participating in the decisions that it would want to make in connection with the environment.

There are many other deficiencies in the bill. Time does not permit going into them.

A new tool has been added for legislation. There is a compromise that is based upon a phrase called the waiver. It is asserted that by exercising the waiver, the President can kill provisions that he finds unacceptable; for example, the provisions relating to the Tongass National Forest to which he had objected. This is a very strange provision. In effect, is it supposed to be a repealer of other provisions? Are the provisions supposed to stay in effect, even though they have been waived? To what extent is the waiver applicable? In whole or in part? Is it to be temporary or permanent? That is not clear.

I would hope, Mr. Speaker, that the President makes it clear, makes it very clear, that he will use the waiver immediately to clear up all questions, and that when he signs the bill, he will also have documents present which waive the provisions to which he objects and lets it be known that this is his purpose.

At any rate, the President will have at hand the documents. I hope he uses them.

There is much more one may say against the bill. I oppose it, Mr. Speaker, and I will not vote for it.

Mr. LIVINGSTON. Mr. Speaker, I am pleased to yield 3 minutes to the very distinguished gentleman from Illinois [Mr. PORTER], a gentleman who has worked very long and very hard on one of the toughest subcommittee bills in the appropriations, perhaps the toughest, chairman of the Subcommittee on Labor, Health and Human Services, and Education.

Mr. PORTER. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, let me say that the chairman has done yeoman work on this bill. If a person could live one day in his shoes, they would understand how hard Members of this body work to carry out the responsibilities of their office. The chairman has done an absolutely marvelous job.

Under the Labor, Health and Human Services, and Education and Related Agencies portion of the bill, we began with spending for fiscal year 1995 of $70 billion in discretionary funds. We cut $28 billion in the rescission package last year and we cut an additional $2.6 billion in this package, for a total overall reduction of about $5.4 billion. This reduction represents an 8-percent reduction from the previous year.

That amount is less, Mr. Speaker, than the reduction in the original House passed version of H.R. 2127 which cut spending by 13 percent. This conference report, however, still represents one-quarter of all the savings in the nondefense discretionary accounts.

My section of the bill terminates 110 programs from the fiscal 1995 appropriation, not the 170 programs that the House passed version of H.R. 2127 terminated. Yet this conference report represents a substantial down payment on the elimination of wasteful, unnecessary, and high overhead programs. These services can be provided much more effectively and efficiently in broader State grant programs.

The bill also provides increases in some programs because our job, Mr. Speaker, is to set priorities. The conference agreement provides increases for biomedical research, for public health, for the Job Corps, for school-to-work, for AIDS health services, for childhood immunizations, for Head Start, for breast and cervical cancer screening, for infectious and sexually transmitted diseases and for Social Security Administration costs.

Although the conference report cuts 8 percent overall, level funding was provided for family planning and AIDS prevention. All of the block grant programs including substance abuse, mental health, child care and community services, were level funded. For title I—education for the disadvantaged, impact aid programs, Safe and Drug-Free Schools, and special aid State grants the conference agreement provides level funding. With respect to student financial assistance, Mr. Speaker, we also level funded the TRIO and SEOG programs, as well as college work study. For Pell grants we provided the highest maximum grant award in the history of the program: to $2,470.

Our job is not just making cuts though, Mr. Speaker. That is the message of this omnibus bill. Of course, our job is to control spending, but our job also is to examine every single program in government to see whether it can be done in the private sector or by State and local government and to set priorities.

What this process means, Mr. Speaker, is better services for people, while bringing Federal spending under control. I commend the chairman for doing such a marvelous job. We have made great progress.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES], the distinguished ranking member of the Subcommittee on VA, HUD and Independent Agencies.

Mr. STOKES. Mr. Speaker, I thank the distinguished ranking member of the full Committee on Appropriations for yielding time to me.

Mr. Speaker, I rise in support of the conference report. Make no mistake about it; this legislation is far from perfect. For the VA/HUD title alone, this report represents a reduction of nearly $8 billion from the amounts provided in 1995 by the 103d Congress. Most of that reduction, or $5.5 billion is in programs of the Department of Housing and Urban Development that help the poorest and neediest of our citizens.

A comparison of the VA/HUD amounts and provisions in this conference report with those in the original House-passed bill, however, does reveal vast improvements. For example:

This conference report contains $1.6 billion more for the Environmental Protection Agency than the House bill, including $300 million more for the Superfund to clean up hazardous and

toxic wastes in our communities, and $1.2 billion more for wastewater and drinking water grants, money that will be used by local communities to build and improve their water purification; H.R. 3019 contains $200 million more for HUD's program to replace severely distressed public housing with smaller, more viable developments; it adds an additional $75 million to section 202 elderly and section 811 disabled housing programs; the report contains $400 million for the President's successful, Americorps Program, rather than termination as recommended by the House; it contains funding at or near the levels wanted by the administration for community development financial institutions [CDFI], the council on environmental quality [CEQ], and the Office of Consumer Affairs.

Virtually all of the environmentally damaging limitations on EPA's funding have been deleted, including a provision which would have removed EPA's ability to review and veto development permits which would be injurious to our fragile wetlands; the provision transferring enforcement of our Nation's fair housing laws from HUD to the Department of Justice has also been deleted.

Further, because of the Democrats' steadfast commitment to protecting children, hard working families and seniors, the bill contains a number of restorations in critical Labor-HHS-ED appropriations subcommittee budget accounts. The bill restores $625 million in funding for the summer jobs program. This means that over 500,000 low-income youth who want and need to work will have a job this summer. The summer jobs program had been proposed for elimination.

The restoration of $1.2 billion in title I means that teaching assistance in basic reading and math will be restored to over 1 million disadvantaged children, who would have been denied the opportunity to learn under the earlier version of the Republican budget.

The restoration of $900 million for low-income home energy assistance means that heating and cooling assistance will be restored to 6 million households. Without this restoration, these low-income families would have been forced to go without heat in the cold of winter, or cooling in summer's extreme heat.

The restoration of $250 million to the Dislocated Workers Program means that assistance can be provided to workers who have been laid off through no fault of their own.

These changes and many others make this legislation palatable, and I urge my colleagues to support it. The beneficiaries of this act will be the American people. Their voices have been heard. Their concerns about unreasonable reductions in education, worker protection, and environmental protection programs have been addressed. This bill does not do everything we would have liked, but it is a vast improvement over the original bill. Some critically important steps have been made in order for us to meet our obligations to improve the quality of life for the American people.

□ 1545

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON], a distinguished member of the Committee on International Relations.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me this time.

The President said that the era of big government is over when he addressed the House not long ago, and yet in many cases the President has not been true to his word. One example is the student loan program. Right now 40 percent of the student loan program is administered by the Federal Government, the other 60 by private lending institutions. Now the President has said he is going to veto this bill if 100 percent is not taken over by the Federal Government.

Mr. Speaker, what does that mean? It means the cost to the taxpayers by the year 2002 will be 1½ billion dollars' more, $1 thousand 500 million more for student loans than it would be if we let the private sector handle it. And yet the President said he is against big government. He cannot be against big government and be for this program.

In addition, thousands of jobs in the private sector are going to be lost and put into the Department of Education to administer these student loan programs. If the President really believes in less government, he should believe in turning these loans, these student loans over to the private sector. The President's words ring hollow when he says the era of big government is over and then go for a program like this.

Mr. LIVINGSTON. Mr. Speaker, I yield 5½ minutes to the gentleman from Ohio [Mr. REGULA], the very distinguished chairman of the Subcommittee on Interior of the Committee on Appropriations.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. Mr. Speaker, I yield to the gentleman from California [Mr. RIGGS] for purposes of a colloquy.

Mr. RIGGS. Mr. Speaker, I thank the chairman and I appreciate his yielding. I want to thank and salute the gentleman and the chairman of the full committee for their tremendous work on this bill, especially in his efforts in this bill and the conference report to prevent unnecessary regulation and unintended consequences under the Endangered Species Act. Of specific concern right now is the proposed designation by the U.S. Fish Wildlife Service of critical habitat for the marbled murrelet.

I understand that it is the intent of the conferees, in the event that the Fish and Wildlife Service is required by court order to finalize the regulation, the service is to consider fully all the comments submitted during the review period, including the comments by private individuals and State agencies. Further, if the service cannot consider fully these comments, the service should notify the appropriate court and petition for an extension. Am I correct?

Mr. REGULA. The gentleman is correct.

Mr. RIGGS. Am I also correct, Mr. Chairman, that Congress intends, under this legislation, that the Fish and Wildlife Service protect the private property rights of parties affected by critical habitat designations by using Federal lands to the maximum extent possible, or by taking other actions to ameliorate the impacts on private property, such as memoranda of understanding with State agencies? Specifically, the California Resources Agency has filed comments on the proposed critical habitat designation asking for revisions to reflect a 1991 memorandum of understanding it has signed with the Fish and Wildlife Service.

Mr. REGULA. The gentleman is correct. If the critical habitat designation goes forward, the Congress expects the Fish and Wildlife Service to protect the rights of private property owners. The service should seek to ameliorate adverse impacts on private property by actions such as using Federal lands and by complying with agreements negotiated with the States, including provisions for the use of other public lands in the State to the maximum extent possible before private lands are used. That includes the 1991 memorandum of understanding with California.

Mr. RIGGS. Mr. Speaker, I thank the chairman for participating in this colloquy.

Mr. REGULA. Mr. Speaker, just to correct some impressions, the moratorium on OCS drilling and the moratorium on the issuance of mining patents is still part of this omnibus bill. There has been some thought that these were removed, but they are very much a part of the bill. So I want anyone that is concerned to be aware of that.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I want to congratulate the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] for their hard work, perseverance, and endurance.

Mr. Speaker, I rise in grudging support of this budget deal.

This is not a great bill. It is certainly not the bill I would have written. But it is the best bill that Congress can pass this year.

We are at the end of a very long process that began over a year ago. From the very beginning it was clear that the Republican majority was determined to cut funding for vital education and environmental programs.

The bills that passed this house last year cut funds to our local schools by 16 percent, eliminated the Summer Jobs Program, and slashed the EPA by a third. Those bills would have reduced funding to New York City by Almost $600 million—or 18 percent. And when Bill Clinton refused to accept these draconian cuts NEWT GINGRICH deliberately shut the Government down—not once, but twice—in order to get his way.

Thankfully, the President stood his ground and forced the Republicans to compromise. Cuts, confrontation and shut down have failed. The President remained firm and won.

Let us pass this bill.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arizona [Mr. KOLBE] and, of course, Mr. GINGRICH did not shut down the Government, that was the President.

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

Mr. KOLBE. Mr. Speaker, I rise in support of the conference report to H.R. 3019. This bill brings to an end the fiscal year 1996 budget and appropriations cycle and in doing so cuts $23 billion over last year's levels and stays within our budget caps. Although I supported greater cuts in some areas, I am pleased that Republicans stuck to their guns and insisted that the downpayment on the 7-year balanced budget be made.

I am especially pleased that the Mount Graham provision remained in the bill. The Kolbe amendment is quite simple and will not have any adverse impact on the environment. The provision reaffirms Ninth Circuit Court Judge Hall's and U.S. Attorney Janet Napolitano's contention that the alternative site chosen by the Forest Service for the Large Binocular Telescope is in compliance with the authorizing legislation passed by Congress in 1988. Now that this issue is behind us, I anxiously await the beginning of construction of the world's largest ground based telescope.

Nonetheless, I am frustrated by the inclusion of moneys for the Community Oriented Policing Services [COPS] Program—the administration's bald attempt to tell State and local governments what they need to fight violent crime. Additionally, I oppose the continued funding for Goals 2000 even though Opportunity to Learn Standards and the National Education Standards and Improvement Council were eliminated.

Even more frustrating is the continuation of the direct lending program that will transfer lending authority for college loans from the private sector to the bureaucratic Education Department.

We have learned important lessons about this administration throughout the course of negotiating this bill. First, it is the administration—not Congress—that doesn't understand the art of compromise. I liken their negotiating skills to those of the losing team in backyard football—when up against a crushing offensive, they simply move the goalpost back a few yards. Congressional negotiators were often told an agreement had been reached and by the next morning, the resolved issues were back on the table—always with new items of disagreement. I know my friend Chairman REGULA had this happen to him numerous times.

The second lesson we have learned is that the administration talks about a balanced budget, but in reality they are unwilling to take the necessary steps to actually achieve one. As difficult as they were to negotiate with on discretionary programs, I am very concerned that as long as Congress has to deal with this administration, there is no hope of ever tackling the big budgetary issues that must be resolved in our mandatory programs.

But this conference report does take an important step toward balancing the budget by cutting discretionary spending.

I urge my colleagues to support the conference report.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

With respect to the comments just made about the President's program of cops on the beat, the President was very clear about this, and Mr. Panetta was very clear about this since the beginning of the negotiations. They wanted to make certain that when all of the dust settled we had sufficient funding to guarantee to local communities that we would be able to put 100,000 new cops on the street. That is exactly what he asked for from the beginning. He moved no goal posts, and that is exactly what he got in the end.

The President was steadfast on that issue, Mr. Panetta was insistent on it, just as they were on the other issues in the conference. We would not have a bill of this quality today without the insistence of the President and Mr. Panetta.

I certainly want to suggest that anybody who suggests that the White House changed what it wanted is dead wrong. They made clear they wanted 100,000 cops and that is what they got.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WALSH], the distinguished chairman of the Subcommittee on the District of Columbia. He has done a great job with a very difficult subcommittee.

Mr. WALSH. Mr. Speaker, I thank my chairman for his kind words. The Balanced Budget downpayment Act II includes the modified text of the District of Columbia Appropriations Act for 1996.

Members will recall that the conference agreement was adopted by the House on January 31 but not voted on by the other body primarily because of their opposition to a low income scholarship program. I deeply regret because of the other body's objections we had to delete that program. We were able to retain most of the other school reforms.

Mr. Speaker, with respect to the District's financial management, we have included, under section 152, language that clarifies the duties of the District's chief financial officer. That position was established under the legislation that created the financial board. The clarifying language places the directors of the financial management offices as well as all other District Government executive branch accounting, budget and financial management personnel under the CFO's authority. All these individuals will be appointed by, serve at the pleasure of, and at the direction and control of the CFO.

Lastly, Mr. Speaker, all the Federal funds have gone to the District, they have had those in the past, and I would urge strong support for this bill.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, there are several problems that remain with this conference agreement, some provisions that I do not support.

I rise, however, to speak about the good and positive parts—those parts that would not be in this agreement if Democrats had not fought for them.

Under the conference report, education funding will be $2.8 billion more than in the House-passed bill.

Title I funding, Safe and Drug-Free Schools and the Summer Jobs Program will be restored to 1995 levels. We have those programs, because Democrats fought for them.

The COPS Program will get $1.4 billion in funding, and we will have 100,000 new police officers on the street by the year 2000, because Democrats made the difference.

And, the Environmental Protection Agency is funded at $1.6 billion above the House-passed amount, because Democrats did not back down.

This conference agreement is 6 months late, and that is unfortunate, but the restoration of funding is right on time.

This conference agreement does not provide for the modest increase in the minimum wage that we have called for, but we will not quit until we reach that goal.

Mr. Speaker, I am proud to be a Democrat who stands up for the average American.

I am especially proud of the role that Democrats played, as the loyal opposition—keeping the faith, remaining true and constant, ever steady in insisting that we preserve and protect those programs and policies designed to keep America's priorities in balance as we balance our budget.

This conference report, which provides funding for the remainder of this fiscal year for the nine cabinet level departments, agencies and programs whose fiscal year 1996 appropriations bill have not yet been enacted into law, recognizes and respect our seniors, our young and working families in America.

The conference report provides a total of $382.6 billion—some $4.6 billion more than the House-passed bill.

Under the conference report, education funding will be $2.8 billion more than in the House-passed bill.

That additional funding will allow this Nation to concentrate more directly on preparing our children to compete in an increasingly competitive global market.

Title I funding, Safe and Drug-Free Schools and the Summer Jobs Program will be restored to 1995 levels.

That is good and positive.

LIHEAP, the Low-Income Home Energy Assistance Program, is funded by $900 million in 1996 and $420 million in 1997. Senior citizens will have comfortable homes because we did not waiver.

The COPS Program will get $1.4 billion in funding, and we will have 100,000 new police officers on the street by the year 2000, because Democrats made the difference.

And, the Environmental Protection Agency is funded at $1.6 billion above the House-passed amount.

In addition, all of the environmental riders, except one, have been dropped from the conference report or, at the very least, the President has been given waiver authority.

Thus, the air we breathe, the water we drink and the land upon which we live—God's most precious creations—have a better chance of being protected because we did not shrink from the budget battle.

Because many of the deepest cuts have been restored, it is my understanding that the President will sign this conference agreement.

Mr. Speaker, It is not easy to make noise while those who have the votes make policy.

But, the genius of the first amendment allows those of us in the Minority to challenge, to question and to offer alternative thought.

We did that, and because we did that, America will be a better place.

This conference agreement is 6 months late, and that is unfortunate, but the restoration of funding is right on time.

I intend to vote for this conference agreement.

I am proud to be a Democrat, and I am proud to be an American.

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

Mr. YOUNG of Florida. Mr. Speaker, as a Member of the conference committee that presents this conference report today, and one who participated in a lot of the activities, but who observed, even more than that, the activities of the leadership of the full committee, I want to first compliment the gentleman from Louisiana, Chairman BOB LIVINGSTON, for the tremendous effort and the great amounts of time and the give and take that he had to work with, and the staff that worked with him during this whole process.

Mr. Speaker, I would also like to compliment the gentleman from Wisconsin [Mr. OBEY], the ranking Minority Member on the full committee. This is an honest compromise. It is a true compromise. Everybody is claiming victory. That is good. When everybody claims victory, it must be something pretty decent here.

I want to speak specifically to a very significant part of this conference report, and that is the provision of funding for the deployment of the American forces serving with such distinction in Bosnia.

In the beginning, we can all recall, there was a lot of difference of opinion as to whether or not we should send Americans to Bosnia, but that decision was made by the President and American troops went to Bosnia, and they have and they are continuing to conduct themselves in an extremely efficient and effective manner. In this bill is part of the funding to pay for that deployment, to pay for those troops being there.

So for those of us who really believe that we ought to support our troops no matter where they are, no matter what their mission is, this is the time to do it. Voting for this conference report is a vote to provide for the support and the funding for the American troops who have been sent to Bosnia on this mission.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HORN].

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

□ 1600

Mr. HORN. Mr. Speaker, I rise in very strong support of the Omnibus Appropriations Act. Included in this measure is a bill I have worked on for more than a year now, the Debt Collection Improvement Act, which was introduced on August 4, 1995. This measure was drafted with the assistance and support of the administration, particularly the chief financial officers and the inspectors general.

As the bill proceeded through committee, it commanded widespread bipartisan support. The gentlewoman from New York [Mrs. MALONEY] and professional staff member Mark Guiton were also helpful. Among the majority staff of the Subcommittee on Government Management, Information, and Technology, professional staff member Mark Brasher and staff director Russell George were the key staff on this legislation. My thanks go to all of the leadership staff and those on the Committee on Ways and Means and the Committee on Government Reform and Oversight who have been helpful.

This measure marks a long overdue beginning of our efforts to collect delinquent debts which now are in the tens off billions—over $100 billion to be precise. This is a victory for the taxpayers of America. When this bill is implemented by the agencies, the Federal Government will find that its rising tide of delinquent debts can be stemmed.

Mr. Speaker, I include for the RECORD the following statement in report format which clarifies the legislative intent:

DEBT COLLECTION IMPROVEMENT ACT OF 1995

This bill enhances Government-wide debt collection activities by adding a new offset authority to 31 U.S.C. 3716; by creating a new exception to the Privacy Act (5 U.S.C. 552a); by revising the salary offset authority at 5 U.S.C. 5514; by requiring agencies to obtain taxpayer identifying numbers; by permitting the reporting of non-delinquent consumer debt to credit bureaus; by adding a new subsection to 31 U.S.C. 3711 that allows the Department of the Treasury and other agencies to cross-service the debts of other agencies; by extending the authority of agencies to compromise claims; by permitting agencies to garnish the wages of delinquent debtors; by permitting agencies additional authority to sell delinquent debts; by revising the Federal Civil Monetary Penalties Act of 1990 to require adjustments for inflation every four years; by adding a new section to title 31, United States Code, that allows agencies to retain a portion of annual collections of delinquent debts; by expanding tax refund offset authority; by requiring that disbursements are conducted electronically; by requiring that disbursements are associated with a taxpayer identification number; by revising definitions at 31 U.S.C. 3701 to broaden the scope of the general debt collection procedures; by providing for monitoring and reporting on debt collection centers; and by giving the Attorney General permanent authority to contract with private counsel to collect delinquent non-tax civil debt.

The debt collection authorities created under this bill will enhance the cooperation of Federal agencies in collecting Federal debt, by providing centralized administrative offset and cross-servicing authority. It is intended that the Department of the Treasury will act as the coordinator of Government-wide debt collection activities, providing a mechanism for effective administrative offset and acting as a clearinghouse to assure that Federal debts are collected in a timely and efficient manner.

PART I—GENERAL DEBT COLLECTION INITIATIVES

General offset authority

Short Title:

Effective Date:

Purposes:

Expansion of Administrative Offset Authority:

This section amends various sections in chapter 37 of title 31, United States Code, to cover judicial agencies and instrumentalities. Currently, these sections only apply to executive and legislative departments, agencies, and instrumentalities.

Enhancement of Administrative Offset Authority

This section would create additional authority for conducting Government-wide Administrative Offset at the Financial Management Service of the Department of the Treasury. Under this authority, Federal payment files would be matched against Federal debtor files to determine whether any debtors were receiving payments. Those payments would be subject to offset to satisfy any Federal non-tax debt or claim owed by the debtor.

Subsection (a) amends the application of administrative offset authority under 31 U.S.C. 3716 and the requirements for charging interest and penalties on claims pursuant to 31 U.S.C. 3717 to include debts owed to the United States by States and units of general local government.

Subsection (b)(1) amends 31 U.S.C. 3716 to allow Federal agencies to choose between adopting, without change, regulations promulgated by the Department of Justice, the General Accounting Office or the Department of The Treasury or promulgating their own administrative offset regulations consistent with those regulations.

Subsection (b)(2) expands the application of administrative offset to every instance except where a statute explicitly prohibits the use of administrative ''offset'' or ''setoff'' for collection purposes. This should increase the funds available for offset from which delinquent claims may be offset.

Subsection (b)(3), renumbers certain sections.

Subsection (b)(4), amends 31 U.S.C. 3716 by adding a new subsection (c). This paragraph statutorily requires disbursing officials of the Department of the Treasury, the Department of Defense, the United States Postal Service or disbursing officials designated by the Secretary of the Treasury to offset payments made by the United States to pay delinquent claims certified to the Secretary of the Treasury by creditor agencies in accordance with requirements issued by the Secretary. This paragraph enhances administrative offset authority contained in 31 U.S.C. 3716 by providing for centralized administrative offset at the disbursing official level. Currently, administrative offset is not conducted centrally within the Federal Government and is not effectively used. Disbursing officials of the Department of Defense and the United States Postal Service and other disbursing officials at any other Federal agencies will match their certification records with the debtor records reported to the Secretary of the Treasury by creditor agencies, in order to avoid duplicative reporting by creditor agencies to disbursing agencies, and assure that payments are intercepted.

Congress intends to include all eligible government payments in this centralized offset program, including the payments of all government corporations. Congress is concerned at the growing trend of fragmentation of disbursing authority, and support centralized coordination for the purpose of collecting debts and conducting offsets. Congress notes that because debt has been referred to the Department of the Treasury for offset does not necessarily mean that other debt collection tools (such as the use of private collection agencies or wage garnishment) should not be employed. The use of private collection agencies is long overdue. Agencies should use all cost-effective tools available to them to maximize the collection of delinquent debts.

Under subsection 3716(c)(4), the Secretary of the Treasury is authorized to charge a fee to cover the cost of conducting administrative offsets under this subsection, and to deposit fees collected to a fund to be determined by the Secretary. It is the intent of Congress that the fee will be collected from the proceeds recovered through offset and the amount charged to each agency be apportioned according to actual offsets. See fees should be considered costs of collections and should be borne by the debtor.

Section 3716(a)(5), authorizes the Secretary of the Treasury, in consultation with affected agencies, to issue regulations and procedures to implement the administrative offset authority. These regulations will include a provision for dealing with the potential of simultaneous offsets involving tax refunds under 31 U.S.C. 3720A and salary offsets under 5 U.S.C. 5514.

Section 3716(c)(6) provides that any Federal agency which is owed a legally enforceable past due debt more than 180 days shall notify the Secretary of the Treasury of the debt for the purpose of conducting administrative offset.

Section 3716(c)(7) requires that the payee receive the applicable offset notification.

Section 3716(c)(8) makes it clear that tax levies shall have a priority in collection from disbursements to be made over requests for offset received from other agencies.

Section 3716(d) clarifies that the Debt Collection Improvement Act is not intended to prohibit the use of any existing authority to perform administrative offset under statute or common law.

Subsection (c) revises section 3701(a) of title 31, United States Code, to define ''non-tax debt or claim'' for the purposes of claims collection. The definition clarifies that claims arising under the tariff laws of the United States are considered non-tax claims.

Subsection (d) authorizes the Secretary of the Treasury to offset amounts payable by the Federal Reserve to banks which have wrongfully negotiated forged or fraudulent Treasury checks.

Exemption From Computer Matching Requirements Under the Privacy Act of 1974

This section exempts matches conducted for the purposes of administrative offset under 31 U.S.C. 3716 from certain provisions of the Computer Matching and Privacy Protection Act of 1988, as amended. This section would permit offsets, and eliminate duplicative due process notifications, as well as duplicative actions by agency Data Integrity Boards.

Use of Administrative Offset Authority for Debts to States

This section authorizes the Secretary of the Treasury to enter into agreements for conducting reciprocal offset agreements with a State. The Secretary has broad discretion with regards to the terms of any reciprocal offset agreement. Congress believes that intergovernmental cooperation is in the best interest of the United States, and that Treasury participation in a program of intergovernmental offset is very important. Congress intends that such agreements will allow States to report the debts of any State agency or instrumentality, and any legally constituted local subdivision or local government within the State.

Congress does not intend to apply Federal resources to the collection of debts with very small denominations, or to those where the debtor has not been given any applicable due process rights. In addition, the Secretary of the Treasury should ensure that the reciprocal offset agreements authorized by this section protect the financial interests of the United States. Congress anticipates that Federal agencies will offset State debts in which there is no Federal interest or Federal/State cost-sharing (such as State tax debts). Similarly, Congress anticipates that States will offset Federal debts in which there is no State financial interest or Federal/State cost-sharing (such as debts owed to the Customs Service). It is the intent of Congress that the agreement be broadly in the mutual interests of Federal, State and local government.

Technical and Conforming Amendments

Subsection (a) makes several technical changes to title 31, United States Code.

Subsection (b) amends 26 U.S.C. 6103 to allow disclosure of taxpayer information to the Financial Management Service for the purpose of conducting offsets of tax refunds. This change allows the tax refund offset program to be implemented at the time of disbursement, and permits the Secretary of the Treasury to consolidate its non-tax debt offset programs.

Enhancement of salary offset authority

Enhancement of Salary Offset Authority

This section enhances current Federal salary offset authority by expanding agency coverage and by establishing annual matching requirements. Congress believes that employees of the Federal Government should be held to an exemplary standard and pay debts owed to the Federal Government. This section makes Federal salary offset mandatory.

Section 5514(1)(A) amends 5 U.S.C. 5514(a)(1) by adding new language requiring all Federal agencies to participate in computer matches of delinquent debtor files against Federal employee records at least annually. This provision requires the Secretary of the Treasury to establish and maintain a consortium to implement centralized salary offset computer matching, and to promulgate regulations for that purpose.

Section 5514(1)(B) and (C) facilitate the collection of debts by salary offset by exempting routine adjustments from the extensive and costly due process protections of section 5514.

Taxpayer identifying numbers

Access to Debtor Information

This section amends section 4 of the Debt Collection Act of 1982 by requiring agencies to obtain taxpayer identifying numbers from all individuals and entities doing business with the Federal Government to facilitate the collection of any receivables which arise as the result of that business relationship. This section defines what relationships are considered ''doing business with'' the Federal Government and requires agencies to disclose the purpose of their request for taxpayer identifying numbers. The taxpayer identifying numbers are needed to facilitate the collection of delinquent debts. Creditor agencies are authorized to verify the accuracy of their debtor records with records from the Department of Health and Human Services and the Department of Labor. It is the intent of Congress that creditor agencies have access to all relevant records at those agencies, including any delinquent parent locator service and unemployment insurance records.

Barring Delinquent Debtors From Obtaining Federal Loans or Loan Guarantees

This section would bar debtors who are delinquent on Federal non-tax claims from receiving financial assistance in the form of a Federal direct loan or a loan guarantee. The intent of this section is to provide authority to Federal agencies which administer credit programs to refuse to approve credit to parties who are delinquent on Federal claims to resolve their debts with the appropriate agency.

Congress also considered extending this debarment provision to other forms of assistance given to debtors. Agencies, in coordination with the Office of Management and Budget, should examine additional benefits, such as discretionary grants or non-mandatory benefits, which could feasibly be denied to debtors. Congress is pleased with the level of success attained by the Immigration and Naturalization Service's [INS] collection of inspection fees and the aggressiveness with which INS has pursued debtors by denying inspection services to airlines which are delinquent in the payment of certain fees owed to the INS. Congress is concerned with the growing delinquencies at the Customs Service, and note disapprovingly that the Customs Service has not responded to this situation by exercising authority to deny entry and inspection to vessels whose owners are also delinquent debtors. The Office of Management and Budget should direct the Customs Service to use these additional tools to collect debts owed to the Federal Government.

Expansion and enhancement of collection authorities

Disclosure to Consumer Reporting Agencies and Commercial Reporting Agencies

Congress notes the success that the Department of Education has achieved with the reporting of delinquent loans to consumer reporting agencies. This section would allow

agencies to conform to private sector practice by also reporting current loans to consumer reporting agencies. This will promote better credit information and good credit risks, and especially help recently-graduated students entering the workplace for the first time.

Subsection (1) amends the credit bureau reporting authority contained in 31 U.S.C. 3711(f) by requiring agencies to report delinquent debts.

Subsections (2) and (3) make conforming amendments to allow commercial debts to be reported to commercial reporting agencies.

Subsection (4) requires agencies to require that any participating lender in a guaranteed loan program provides information relating to the extension of credit to credit reporting bureaus. Congress is concerned that some agencies do not comply with the existing guidance in OMB Circular A–129. In particular, the Department of Housing and Urban Development does not refer claims for assigned multifamily mortgages to credit reporting bureaus; the Departments of Agriculture and Veterans Affairs does not report nor require lending institutions to report guaranteed loans to credit reporting bureaus. Congress intends this section to fix this deficiency, and that agencies will comply.

Subsection (4) also allows the head of an agency to report claims to a credit reporting agency which are current in payment. This change allows Federal credit reporting to be more consistent with private sector practice, and debtors whose accounts are current with the Federal Government shall receive the benefit of having favorable information provided to credit bureaus.

Contracts for Collection Services

This section permits agencies to contract with persons to locate and recover assets and pay for such services out of the proceeds that are recovered. The intent is to permit agencies to pay ''finders fees'' to persons who locate and recover assets of the United States the existence of or location of which is unknown to the applicable Federal Government agency.

Congress notes that the U.S. Marshals Service provides asset locator services for U.S. Attorneys in connection with debt litigation, and is very successful at this task. Congress further notes that this essential service is hampered by limits on Full-Time Equivalents imposed by the Federal Workforce Restructuring Act (FWRA) and a reliable funding source. In view of this essential service, Congress believes that the Director of the Office of Management and Budget should grant a waiver to the FWRA and associated Executive orders and that the Secretary of the Treasury should consider using the existing expertise in the U.S. Marshals Service in providing skip-tracing services to supplement any private persons obtaining contracts under this section.

Cross-Servicing Partnerships and Centralization of Debt Collection Activities in the Department of the Treasury

Subsection (a) amends 31 U.S.C. 3711 by creating new subsections (g) and (h).

Section 3711(g)(1) requires the heads of executive, legislative or judicial agencies to refer non-tax claims owed to the Department of the Treasury for servicing, collection, compromise or write off. The intent of this section is to improve the debt management performance of the United States by establishing a centralized cross-servicing mechanism wherein Federal agencies that do not have the expertise, personnel, or funding to implement effective claims collection policies on their own can use the services of Federal agencies that have effective claims collection processes. This section provides the referred to transferred non-tax claims will be administered by the debt collection centers consistent with existing statutory requirements and authorities.

The Debt Collection Improvement Act, through its cross-servicing provision, provides independent authority for all Federal non-tax debt to be collected by those Federal agencies that are proficient in debt collection and have been designated as debt collection centers. Agencies which currently run large debt collection operations and should be considered for designation as debt collection centers by the Secretary of the Treasury include the Department of Veterans' Affairs, the Small Business Administration, the Department of Education and the Department of Housing and Urban Development. Each agency remains responsible for managing an effective debt collection program and to use effective debt collection tools, such as private collection contractors, debt collection centers, and litigation through the Department of Justice. Consistent with other initiatives in the Debt Collection Improvement Act, general oversight and operational responsibility for cross-servicing and effective debt collection has been delegated to the Department of the Treasury.

Section 3711(g)(2) describes exemptions to the requirement that agencies transfer debts to the Department of the Treasury under Section 3711(g)(1). Congress carefully structured these exemptions so that exemptions will only apply to those debts associated with a demonstrated repayment source. Congress believes the Secretary of the Treasury should exempt from transfer under this section collateralized obligations of the Government National Mortgage Association. Congress cautions the Secretary of the Treasury with liberal use of the Secretary's discretion in exemption claims from the transfer requirement, and note that the Secretary is responsible for government-wide debt collection. The exemption from this requirement should only be provided when it is demonstrated that an exemption is the best means to protect the Federal Government's financial interest in collecting the delinquent debt or claim.

Section 3711(g)(3) authorizes the Secretary of the Treasury to designate debt collection centers. It is anticipated that the Secretary of the Treasury shall monitor the performance of these centers, since ultimately, the Secretary is responsible for the work they perform. A debt collection center's degree of success, which is the basis of their designation as a debt collection center, may be dependent upon the type of claim referred to the center. In order to fairly establish a performance baseline, the Secretary should examine collection success of similar types and maturities of debts at private collection agencies and at other Federal agencies.

Section 3711(g)(4) authorizes the referral of debts by the Secretary of the Treasury to a debt collection center, a private collection agency, or to the Department of Justice. In referring debts to private collection agencies, the Congress has purposely given latitude to the Secretary of the Treasury to determine the most appropriate private collection agent. Debts may be referred to a private debt collector, collection agency or commercial attorney. This subsection does not authorize a commercial attorney to represent the Federal Government in a litigation action in the absence of supervision of the Department of Justice.

Section 3711(g)(5) describes the authorities and responsibilities of the Secretary of the Treasury with regards to debt collection. It is the intent of Congress to give contracting authority for the purposes of debt collection to the Secretary of the Treasury broadly similar to that given to the Department of Education. Congress commends the Department of Education for the steps it has taken to rely successfully on the expertise of private collection contractors, and would like to see similar success at the Department of the Treasury and at the Internal Revenue Service in particular.

Section 3711(g)(6) and (7) authorize the executive department or agency operating a debt collection center to charge a fee to cover costs of program implementation, and provide that fees may be collected from recoveries. Congress intends to give agencies authority to pay debt collection centers and contractors from collection proceeds, and that costs of recovery shall be borne by the debtor.

Section 3711(g)(8) requires that amounts collected as fees which are not needed for debt collection purposes in the fiscal year shall be deposited into the Treasury as miscellaneous receipts.

Section 3711(g)(9) requires that agencies take appropriate steps in the collection process to collect delinquent debts prior to write-off or discharge, including administrative offset, tax refund offset, Federal salary offset, referral to private collection contractors or agency debt collection centers, credit bureau reporting, wage garnishment and litigation or foreclosure.

Under Section 3711(g)(10) the Secretary of the Treasury is authorized to issue regulations and procedures to implement this subsection.

Section 3711(h) authorizes agencies to employ a consumer report to evaluate collection efforts with respect to an individual. Such data can be particularly helpful in evaluating whether to terminate collection action and determine repayment schedules. Agencies should develop policies on when the use of a credit report is appropriate based on its cost and potential benefit.

Subsection (b) creates a new procedure whereby agencies may, in lieu of filing a return required under Section 6050P of the Internal Revenue Code, provide to the Secretary of the Treasury, or his designee, the data necessary to accomplish this task. It is anticipated that the Financial Management Service will perform this task for the Secretary of the Treasury. Congress is concerned about the problem of inadequate reporting to the Internal Revenue Service related to discharges of indebtedness. The Office of Management and Budget, with the assistance of the Department of the Treasury, should monitor agencies to ensure compliance with the requirements of Section 6050P.

Compromise of Claims

This section clarifies that the increased authority of a head of an agency to compromise a claim under 31 U.S.C. 3711(a)(2) contained in the Administrative Dispute Resolution Act is a permanent authority and is not subject to the sunset provision contained in that Act.

Wage Garnishment Requirement

This section authorizes agencies to garnish administratively the wages of delinquent debtors. It is the intent of Congress that every debtor that has a job or income should be in a repayment schedule. The Congress considered making this a mandatory tool, and agencies should consider aggressive use of wage garnishment to compel repayment of delinquent debts. The section also describes the procedures that an agency must follow to administratively garnish a debtor's wages, including a description of the debtor's due process rights and limitations on agency authority.

Debt Sales by Agencies

This section amends 31 U.S.C. 3711 to include a new subsection (h)(1) authorizing

sales of debts delinquent for more than 90 days. It is the intent of Congress to increase debt sales where appropriate. Debt sales are an appropriate collection tool which results in the privatization of the liability for a debt and the costs of collection. Congress is impressed with the results of loan sales at the Department of Housing and Urban Development. This example should be followed by other Federal agencies which lack the administrative capacity to manage their large portfolio of distressed properties.

Section 3711(h)(2) requires that delinquent debts be sold if the Secretary of the Treasury determines that such sales would be in the best interest of the United States. It is the intent of Congress that, to the greatest extent possible, prior to terminating collection action, agencies should sell delinquent debts in order to realize at least some amount of the delinquent receivable.

Section 3711(h)(3) describes the conditions of sale for debts. It is the intent of Congress that agencies should be able to sell debts while retaining some portion of equity participation in the collection of the delinquent debt. This form of structured security (sometimes referred to as a joint venture between an agency and another person) allows agencies to obtain income as well as the possibly of future payments. Congress encourages agencies to employ the collection tool that maximizes repayments.

Section 3711(h)(4) requires agencies to develop an inventory of loan assets. Congress intends to use this information to evaluate the results of collections and loan sales. The successful loan sales at HUD resulted in receipts far in excess of the proceeds anticipated under the Federal Credit Reform Act. Agencies should consider the results of these valuations and compare them against collections.

To assure that agencies use the most economically effective means in collecting delinquent debt, agencies contemplating the sale of unsecured debt should prepare a cost-benefit analysis comparing the benefits of immediate sale to collection using other debt collection tools, including administrative offset, transfer to the Department of the Treasury and use of private collection agencies.

Adjustments of Administrative Debt

This section allows agencies to simplify the complicated series of fines, interest and penalties required under 31 U.S.C. 3717. Congress views the requirement to charge interest and penalties with great seriousness. The disappointing performance of nearly every agency, with the exception of the Department of Education, in assessing and collecting these amounts should be improved. Congress directs agencies to comply with the law, and for OMB to ensure that this requirement is met.

The intent of this section is to allow agencies option to combine these fines and penalties into a single, easy assess charge. Congress is aware of the inadequate systems agencies face in assessing these amounts. Agencies that lack the technical accounting expertise to comply with 31 U.S.C. 3717 should privatize the management of their credit portfolio. the Department of Agriculture should rely on the expertise of private contractors to improve the dismal collection performance of its portfolio of farmers' home loans.

Dissemination of Information Regarding Identity of Delinquent Debtors

This section authorizes agencies to publicize the identity of delinquent debtors to help collect debts. Congress notes the success of the Public Health Service's program regarding dissemination of the identity of doctors delinquent in the repayment of medical school loans. The head of other agencies should seek to replicate this success, and make this tool more widely known among the debtor population. Congress recognizes that this is a powerful enforcement tool and urges judicious use.

Federal civil monetary penalties

Adjusting Federal Civil Monetary Penalties for Inflation

Subsection (a) amends section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990 to require agencies to make an initial adjustment of such penalties within 180 days of the enactment of this bill, and also requires agencies to make additional adjustments at least once every four years.

Subsection (b) limits the amount of the initial adjustment to ten percent of the amount of the penalty prior to such adjustment.

Gain sharing

Debt Collecting Improvement Account

Subsection (a) of this section creates a new section 3720C in Title 31, United States Code.

Section 3720C(a) establishes an account in the Treasury entitled the ''Debt Collection Improvement Account'' (''Account''). The Department of the Treasury shall maintain and manage the Account.

Section 3720C(b) provides that agencies collecting delinquent claims may transfer into the Account five percent of the delinquent debt collected during any fiscal year beyond a baseline established for the prior fiscal year. The Office of Management and Budget shall determine the baseline from which increased collections are measured over the prior year, taking into account the recommendations made by the Secretary of the Treasury in consultation with credit agencies.

Section 3720C(c) provides that the amount available for expenditure in any fiscal year will be available for certain purposes designed to improve debt collection, financial management or asset disposition. Section 3720C(c) also provides that the amount available to the agency will be in proportion to amounts transferred to the account.

Section 3720C(d) modifies the treatment of amounts credited to the Account that are subject to the requirements of the Federal Credit Reform Act of 1990. That Act requires that collections for direct loans and loan guarantees made since 1991 be credited to a financing account and included in the cash flows used to calculate the subsidy cost of the credit program. This section provides that collections that are credited to the Account will not be included in the subsidy cost calculation in order to avoid counting them both in the cost calculation and on a cash basis.

Section 3720C(e) authorizes the Secretary of the Treasury to issue regulations and procedures to implement this section.

Tax refund offset authority

Expanding Tax Refund Offset Authority

Subsections (a) and (b) change the exclusion of the Tennessee Valley Authority (TVA) by authorizing the TVA to use tax refund offset.

Expanding Authority To Collect Past-Due Support

This section allows the Secretary of the Treasury and the Secretary of Health and Human Services to choose between using the tax refund offset authorities of either 31 U.S.C. 3720A or 42 U.S.C. 664 to collect past-due child support. This change in Section 3720A of title 31 is not intended in any way to hinder, restrict, or add any additional requirements to the collection of past-due support under 42 U.S.C. 664.

Offset of Tax Refund Payments by Disbursing Officials

This section allows the Secretary of the Treasury to implement the tax refund offset program through the disbursing official of the Department of the Treasury (i.e., the Financial Management Service). This will allow for more efficient operations, as the Financial Management Service also operates the administrative offset program. By merging these two offset programs, the Department of the Treasury will streamline and improve its operations.

It is the intent of Congress that the Financial Management Service should perform both the tax refund offset and the administrative offset programs. This legislation makes changes in those two programs so that their administrative requirements are broadly similar, and can be performed by the same entity, the Financial Management Service. This change will allow the Internal Revenue Service to focus its efforts on other management problems identified by it and Congress. Congress intends that the Internal Revenue Service will transfer the operation of the tax refund offset program to the Financial Management Service.

Disbursements

Payments

Subsection (a) mandates that all Federal payments to individuals who become eligible for that type of payment after 90 days after the date of enactment of this Act shall be made by electronic funds transfer. Further, individuals already receiving payments will begin to receive those payments electronically after 1999. This section will facilitate offset and improve audits associated with counterfeit, stolen, forged and fraudulent checks.

Since this section will require participating beneficiaries to obtain a bank account, Congress expects the Secretary of the Treasury to work vigorously to accommodate the needs of the unbanked recipients through such means as: (1) the planned implementation of a national electronic benefits transfer system for Federal payments through the designation of depositaries and financial agents under the Secretary's existing authority. Under this program, recipients will receive all benefit payments under a single access card; (2) implement through the private sector consumer owned bank accounts where recipients access their funds by debit card or other means, rather than through traditional account features, such as checking. This product is known as Direct Deposit Too and is an extension of the Treasury's Direct Deposit Program; (3) intensive marketing of the Treasury's existing Direct Deposit Program for both individuals and businesses; and (4) other forms of electronic benefits transfer. The Financial Management Service should evaluate several recent pilots, including its Direct Deposit Too and various state pilots, to determine the best mechanism for benefit delivery.

The Secretary of the Treasury is given broad discretion to waive the requirements of this section to avoid imposing a hardship on a beneficiary. Congress expects the Department of the Treasury to promulgate regulations addressing such hardship waivers and to consider various factors in defining hardship. Congress recognizes that adherence to these provisions may be difficult for a variety of beneficiaries. We are concerned that individuals who have geographical, physical, mental, educational, or language barriers or as a result of natural or environmental disasters will not be able to receive benefits. Recipients in this category includes small businesses as well as individuals. Waivers should be provided in order to minimize disruptions to any beneficiary. Additionally,

the Secretary of the Treasury may waive this section for recipients who reside in a country where delivery of an electronic payment is impractical.

The Congress further directs the disbursing official to study the socioeconomic and demographic characteristics of those who currently do not have direct deposit and determine how best to increase usage among all groups. The Congress further directs the disbursing official to study the adequacy of consumer protections available to individuals who are required to obtain a bank account under this section.

The exclusion of the application of this section to tax refunds is to allow time for development of the necessary infrastructure for making these electronic payments. However, the Secretary of the Treasury should, to the maximum extent possible, implement a system to disburse tax refunds electronically and conduct demonstrations of other electronic technologies to maximum outreach to recipients.

Subsections (b) and (c) allow the Secretary of the Treasury to issue substitute checks to repay Federal recipients whose checks have been stolen, forged or fraudulently cashed. The Check Forgery Insurance Fund provision would authorize the Secretary of the Treasury to establish a flexible procedure for facilitating the timely payment of forged Government checks by providing a permanent and indefinite appropriation which would ensure readily available funds to provide innocent payees with replacement checks in a timely manner. It enables the Department of the Treasury to comply with two decisions of the Comptroller General Decision B–242666, dated August 31, 1993 and B–243536, dated September 7, 1993. These decisions concluded that the Check Forgery Insurance Fund Act (31 U.S.C. 3343) requires that the Department of the Treasury certify all checks issued to replace those checks paid over forged endorsements and charged to the Fund.

The Congress recognizes that many payees rely on these payments for their basic subsistence and seeks assurance that claimants receive checks in a timely manner; the prospect of payees not receiving timely replacement payments is unacceptable to Congress. Congress notes the importance of the timely issuance of replacement checks, and that such replacement checks should not be contingent upon the Government's ability to recover the original forged check. Congress also notes that in the case of an innocent payee whose check has been forged, the Government's obligation to pay remains outstanding. This provisions would provide an equitable solution for payees and disbursing and program agencies, by resolving current inequities inherent in the current process of payment of checks bearing forged or unauthorized endorsements.

Requirement To Include Taxpayer Identifying Number With Payment Voucher

This section requires that Federal agencies include a taxpayer identifying number when a payment is made. This requirement will facilitate offset and increase collections. Congress directs the disbursing official of the Secretary of the Treasury and the Department of Defense to survey agency compliance with this section and include the results of this survey in the consolidated debt collection report to Congress required under Section 1692 of this Act.

Miscellaneous

Miscellaneous Amendments to Definitions

Subsection (1) revises the definitions for ''administrative offset'' and ''claim'' under 31 U.S.C. 3701 (a)(1) and (b). These changes permit offsets of payments for the collection of debts administered by States such as debts which contain a Federal monetary component (e.g., AFDC overpayments due to fraud) and delinquent child support obligations. The definition of ''claim'' also includes amounts which the United States collects for the benefit of any person under statutory authority.

In addition, the definition of debt has been amended to include deficiency payments. Federal authority to collect deficiencies has been upheld based on provisions of Federal law preempting State laws governing mortgage debt (in all but a few narrow circumstances). This authority has been upheld by numerous court decisions (including *Connelly v. Derwinski*, 961 F.2d 129, 131; *United States v. Shimer*, 367 U.S. 374, 387; and *Burris v. First Financial Corp.*, 928 F.2d 797, 800–801).

The Congress is concerned that agencies have not established deficiencies as debt consistently. The Federal Housing Administration uniformly establishes as debt and collects deficiencies only in its Title I program. Congress is concerned that debtors under FHA's other loan programs are receiving different treatment. Deficiencies should be established in all cases.

Congress is also concerned that agencies do not monitor the unpaid share of any non-Federal partner in a program involving a matching, or cost-sharing, payment by the non-Federal partner. According to the General Accounting Office, the non-payment of these types of matching payments has become more common. Congress is concerned about this trend, and wants to see those amounts collected.

This section also adds specific definitions applicable to administrative offsets under 31 U.S.C. 3716 for creditor agencies and payment certifying agencies.

Monitoring and Reporting

Subsection (a) authorizes the Secretary of the Treasury to provide guidelines to monitor the performance of debt collection activities, in consultation with debt collecting agencies.

Subsection (b) requires the Secretary to report to Congress on the progress of debt collection centers, defined under subsection (c) as those centers providing debt collection services for other agencies.

Subsection (c) provides that the Secretary of the Treasury will submit reports concerning the status of loans and accounts receivable to Congress in accordance with the Debt Collection Act of 1982. Formerly, reporting was performed by the Director of the Office of Management and Budget.

Subsection (d) authorizes the Secretary of the Treasury to consolidate all debt collection reports.

Review of Standards and Policies for Compromise of Write-Down of Delinquent Debts

This section requires the Office of Management and Budget to review agencies' standards and policies for compromising, writing-down, forgiving or discharging indebtedness and various reporting requirements. OMB should rely on the expertise and personnel of the Department of the Treasury in preparing this report, which should be consolidated with the annual consolidated debt collection report. However, OMB needs to be very involved in ensuring that each Federal agency complies with changes needed in their policies.

Congress is seriously concerned about dissimilar standards for discharging indebtedness at different agencies. This needs careful monitoring. Congress is concerned that the credibility of the Federal Government is undermined when similarly-situated beneficiaries under one program receive more generous treatment than those under another program.

In addition, Congress is very seriously concerned about the poor reporting of the discharge of indebtedness to the Internal Revenue Service on Form 1099. The Office of Management and Budget should ensure that agencies consistently report these amounts or allow the Secretary of the Treasury to report the data to the Internal Revenue Service.

Justice debt management

Expand Use of Private Attorneys

This section gives the Attorney General permanent authority to contract with private counsel to collect delinquent non-tax civil debt when deemed appropriate.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the very distinguished gentlewoman from New York and soon-to-be-mother [Ms. MOLINARI].

Ms. MOLINARI. Mr. Speaker, I rise today in strong support of the Balanced Budget Downpayment Act and would like to thank the distinguished chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON], the entire Committee on Appropriations, and especially the gentleman from Kentucky [HAROLD ROGERS], for their cooperation in securing $175 million for the Violence Against Women block grant, an increase of 573 percent over last year's Commerce, State, Justice appropriations bill.

In addition, thanks to support from the gentleman from Illinois [JOHN PORTER], this bill increases the Violence Against Women provisions from last year's Labor-HHS appropriations bill from $1 million to $53 million. The Balanced Budget Downpayment Act also provides for $32.6 million for family violence programs used to support battered women's shelters. When all is said and done, Violence Against Women programs will be increased by over 700 percent over last year's budget.

This funding is necessary, Mr. Speaker, and demonstrates that today we can show that we can achieve a balanced budget while also recognizing important priorities for our Nation's future.

Again, I thank the distinguished chairman.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. DELAY], majority whip.

Mr. DELAY. Mr. Speaker, the American people have won a great victory today. This bill represents the end of business as usual. We fought. We begged. We cajoled. And now we finally have convinced the President that fiscal responsibility is good politics. The gentleman from Louisiana, Chairman LIVINGSTON, has done that, along with his staff, and for that reason I salute him.

This legislation is the right thing for this country at this moment with this President. It is not the perfect bill. I am disappointed that we did not get rid of more wasteful Washington programs. Goals 2000 funds bureaucrats instead of teachers. AmeriCorps pays people a healthy wage to be volunteers, and the NEA pays for controversial and

sometimes obscene art. But Rome was not built in a day and getting the perfect budget will take more than one term in the majority.

To my colleagues who would sacrifice the good in favor of the perfect, let me say, I admire your fidelity to principle, but let me also say that voting to cut $23 billion in spending, eliminating over 200 wasteful Washington programs and doing all of this without raising one dime in higher taxes does not represent a sacrifice of conservative principles. No one could call me a moderate, but I am voting for this bill. I am voting for this bill secure in the knowledge that it is the right thing to do now at this moment in history.

I give Chairman LIVINGSTON a great deal of credit for his determination and for his patience in negotiating this agreement. I urge my colleagues on both sides of the aisle to vote for this legislation. Send it up to the President and have him sign the bill that delivers the greatest savings to the taxpayer since the Second World War.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

I should simply take this time, Mr. Speaker, to note, and I want to thank the conference for this, the conference agreed to add an additional 15 million for the Department of Energy's lab to lab program. Those funds can be used immediately to fund recently concluded cooperative agreements with six nuclear facilities in the former Soviet Union. The idea behind this is to prevent the surreptitious obtaining of nuclear material by potentially terrorist groups who might use it for nefarious purposes against any country, including our own. This program was set up to improve the security of nuclear materials, prevent leakage. The program is carried out through multiple channels, through governments, nuclear laboratories and institutes and Russian nuclear regulatory authorities. Anyone who has heard the recent reports about the danger of leakage of nuclear fissionable material from the NIS knows of the grave potential of the danger of such leakage. This will enable us to strengthen that program. I appreciate the cooperation of the conference.

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

Mr. PALLONE. Mr. Speaker, I just wanted to point out that from the very beginning when we were dealing with the appropriations spending bills this year, Democrats were making the point very vividly that it was possible to keep spending down, balance the budget and at the same time protect the priorities that we cared about, education, the environment, Medicare, Medicaid and some of the other concerns like the 100,000 cops program that President Clinton had supported and put together for the last couple years.

I think that today shows the vindication, if you will, of the Democratic point of view. We are moving an appropriation bill that will save significant amounts of money, billions of dollars, but at the same time it protects those priorities.

With respect to the environment, which is one of my major concerns, although the amount of money is less than what the President asked for and what the President thought was necessary, we are almost back to what we wanted. And most importantly, we have eliminated those terrible anti-environmental riders that the Republican leadership had been touting for so many months. So I think this is a good compromise, but it is a vindication of our Democratic principles.

Mr. OBEY. Mr. Speaker, I ask unanimous consent to yield 2 of my minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON].

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

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding time to me. We have a number of speakers here.

Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Florida [Mr. MCCOLLUM].

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

Mr. MCCOLLUM. Mr. Speaker, I simply rise to point out, as chairman of the Subcommittee on Crime, that there are three contract with America crime bills that are incorporated in this today. The three that are in this bill that were contract with America bills are, one, a provision that would end the so-called prevention programs of Washington knows best that were in the 1994 crime act that many of us complained about. Instead in its place in this bill and in this legislation are a block grant to the cities and the counties of this country to spend as they see fit to fight crime to the tune of about $500 million for this coming year.

In addition we have the version in the contract with America of the prison grant program that will ensure an incentive for truth in sentencing for States to have laws passed that require the serving of 85 percent of their sentence of all felons.

And last but by no means least, we have a provision in this bill which will mean that the States get back control of their prisons, that Federal judges no longer will be able to have the rulings they have been having on overcrowding. We lift the caps. We change the consent decrees. We say in the future that you will not have in addition frivolous lawsuits from prisoners.

This is a monumental change in criminal law with regard to prisoners and frivolous lawsuits.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], distinguished Democratic whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague, Mr. OBEY, who I think has done a magnificent job. I also want to take this opportunity to commend the gentleman from Louisiana [Mr. LIVINGSTON] for his hard work over these 6 months on this particular bill.

I think the product that the gentleman from Wisconsin [Mr. OBEY] and our colleague from Louisiana, the chairman of the committee, have given us reflects well on the best of what this Congress can be about, had we put our minds to preserving the priorities of the country, the education priorities, the environmental priorities and the public safety priorities. I am particularly pleased that they took the time and devoted the attention and preserved the funding for the School-to-Work Program, the Safe and Drug-Free School Program, which, as we all know, encompasses the DARE program, teaches our kids to stay off drugs, be against gangs and gang violence.

With the Title I Program, 1.5 million kids in our country now will have the ability to have additional math and reading programs that will enhance their education and of course the direct loan program for those who are attending higher education at the collegiate level.

We are pleased at the amount of funding that we were able to save over what the House did. In the area of the environment, we are very pleased that there were rollbacks in some of the raids on environmental safety. We have had 25 years of bipartisan support for the environment in this country, and I am hopeful that this report will move us back in that direction because initially, as Members know, as this bill or pieces of this bill left the House of Representatives, there was a serious attack on the environment of this country. So I am happy to see that they have made correction in this area.

Also, in public safety, let me say, Mr. Speaker, that the 100,000 police officers on the beat are important additions. We thank both gentlemen for their inclusion in that.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PACKARD], the distinguished chairman of the Legislative Subcommittee.

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

Mr. PACKARD. Mr. Speaker, I want to first congratulate the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Louisiana [Mr. LIVINGSTON] and the conferees, people down at the White House and over on the Senate side for their work on this bill. It is a good bill. It is a bipartisan bill and, frankly, it is a compromise bill.

Mr. Speaker, it is really not a question of whether the President won in this compromise, whether the Republicans won, whether Democrats won. The question really is, do the American people win. I think that is an overwhelming and resounding yes. Forty-three billion dollars have been cut

back in this bill and in the rescission bill earlier last year. Two hundred programs have been eliminated. Significant cuts have been extracted from many of the other programs and agencies, $144 billion deficit, when it was projected by the President that it would be over $200 billion.

That is a huge turnaround for the American people. They are the ones that ought to rejoice in this. We ought to pass it overwhelmingly today. I am proud to vote for it. I am very grateful for the work that has been put into it by our leaders.

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

Ms. DELAURO. Mr. Speaker, this bill is a victory for American values. It is a triumph of American's priorities in areas like education, the environment and Medicare, over the politics and the policies of government gridlock and shutdown. It shows the power of mainstream values in this Nation and the utter bankruptcy of the policy of extremism.

It proves and demonstrates that in fact we can cut spending in these difficult economic times with a lack of resources and at the same time hold on to and preserve those values of education and the environment that this Nation holds dear.

Mr. Speaker, we can remember the commentary in the past several months about a willingness to shut the Government down, not once but twice. We can remember the commentary about making the biggest cuts in education in this Nation's history. That failed. The proposal of disastrous environmental policies, they failed.

Mr. Speaker, because of the steadfastness, today we vote on appropriation bills that protect America's priorities.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I truly believe that liberals want to help in Medicare, Medicaid, education, the environment, just like conservatives do. Let us take the case where you tell one of your liberal constituents that you are going to have him give his money to a broker. That broker is going to take care of Medicare, Medicaid, education, and the environment. But then tell him he is only going to get 50 cents of every dollar he gets back and the other 50 cents is going to go pay for his staff and his overhead. That guy will tell you that he does not support that kind of an issue.

That is what happens in this place. First place, it is not your dollar. You have to take it away from the constituent. Then you turn it around and give it back at a very low rate, for example, welfare. You only get about 30 cents on a dollar. Education, you get a very low percentage back on the dollar with 760 education programs.

□ 1615

Mr. Speaker, what we are doing is we are giving the money back, but we are doing it without raising a single tax, and we are cutting 200 programs and streamlining government.

Mr. Speaker, this is a monumental bill. It is $43 billion less than we would have had under Democratic control.

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

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me, and I also thank him for his leadership, for holding firm for the priorities for the American people. I also want to commend the gentleman from Louisiana [Mr. LIVINGSTON] for his leadership in bringing this bill to the floor.

If it had been left to our Chair and our ranking member, a long time ago this issue would have been resolved. We would not have had to have a Government shutdown.

But I commend the President of the United States for holding firm to his commitment to education, to protecting the environment, and for LIHEAP, and the list goes on of priorities which have been respected in this spending bill. It also has a large number of cuts, and I am dismayed to see that it still has $7 billion more in there for defense, as we subject all of our spending to such scrutiny.

But it is a good bill, it is a compromise, and best of all it eliminates the very mean-spirited, I say that advisedly, mean-spirited language in there for HIV-infected people in the military.

Today is a victory for democracy and for compromise, and I thank our chairman and ranking member for their leadership.

Mr. LIVINGSTON. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Ohio [Mr. KASICH], chairman of the Committee on the Budget, the gentleman that set forth the guidelines which we are now currently following in the appropriations process.

Mr. KASICH. Mr. Speaker, I want to commend the chairman of the Committee on Appropriations and declare today a victory for the American people and a victory for the children whose future has been increasingly at risk, and I would like to say today that yesterday evening I was over in the committee that the gentleman chairs, and I got one of the older guys, one of the guys that has been around here for a long time, and I said, ''I understand that this is the most significant reduction in Washington spending since World War II.''

And he said, ''You know, I am not so sure about that.'' And he went into one of these big thick books, and he blew the dust off and he got the paper out, and we started looking in 1945, and from 1945 to 1996 they cannot touch us in any other year. This is unprecedented today since World War II. We have pried some of the money out of the hands of Washington bureaucrats, we have eliminated some absolutely absurd programs, including the program where we spent millions of dollars to eradicate ticks in Puerto Rico, where we spent millions of dollars to locate offices in Paris and all over Canada telling people, ''By the way, did you know there was a place called the United States? You ought to visit it sometime.''

There is a program that says to children, ''We will give you millions of dollars to measure rainfall by collecting it.''

Now, my colleagues, these programs have been going on forever, and we got in charge 17 months ago, and we told the American people we were here to change things, and we were here to strip power, money, and influence out of this city.

This does not do it all, this is discretionary spending, this is Washington spending. It is only a third of the budget, but it is the only thing in which the President was forced to sit down and achieve a result, and to our credit we did not buckle, we did not cave, we did not collapse. And we have been able to achieve the single largest reduction in Washington spending since World War II.

Mr. Speaker, that is a tremendous accomplishment by this Congress, and I want to commend the chairman of the committee for his tenacity, and I want to commend all of my colleagues for their commitment to getting this job done. This is not the end all; this is just one very strong, first step in that long marathon of rescuing this country from economic anxiety, the fear that families have they will lose jobs, the problems of wage stagflation, wage stagnation, and at the same time it is a down payment that puts a little light at the end of that tunnel that our children will inherit a bountiful America.

Mr. Speaker, I want to suggest today that eliminating 200 programs, I would maintain that being able to pry some of the money out of the hands of Washington bureaucrats and eliminating 200 wasteful Washington programs that have gone on too long sucking dollars out of the pocketbooks of hard-working Americans, this is a great achievement, not just for this Congress but for the American people, and when we all leave here today to go home, we should be proud to stand up and tell our constituents that we finally have their message and that this Congress is going to continue to stand firm until we deliver the whole deal.

Congratulations. Vote for the bill.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

The statement that the previous gentleman just made that this represented the largest deficit reduction since World War II is simply not true. The President's budget has brought down the deficit more than $100 billion. That is far larger than the reductions we see in this bill today. We welcome the add-

on, but I think we need to keep the facts straight.

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

Mr. HOYER. Mr. Speaker, we have to love the chairman of the Committee on the Budget. He is trying to snatch victory from the drum beat of retreat to cutting education, cutting the environment, cutting programs that the American public have communicated to my colleagues, ''Do not touch them. Do not take our cops off the beat, do not take our teachers out of school, do not take our chapter 1 students and put them without any kind of help, because that is not good for the country.''

And I congratulate the gentleman from Ohio [Mr. KASICH]. He spins it as well as anybody in this House. But, my colleagues, I am pleased to see us abandon the CRs that I used to refer to as completely ridiculous to CRs that say completely, and perhaps that overstates it, but resolved the 1996 budget. Yes, it is 7 months late. Yes, it is after an unprecedented 25 days of shutdown. But, I say to my friend, the chairman of the Committee on the Budget, he pointed out incorrectly, as the gentleman from Wisconsin [Mr. OBEY] has noted, that it was not since 1945, and I hear the complaints that Bill Clinton has stood in the door of progress and vetoed legislation.

Where was Ronald Reagan to accomplish this great objective of which the chairman speaks in 1981, 1982, 1983, 1984, 1985, 1986, 1987 and 1988, and our friend, Mr. Bush in 1989, 1990, 1991 and 1992? Where was he when it was profligate spending? Where were they to say ''no.'' We never overrode one of their vetoes on spending. Not once.

So, yes, now we have a bill that we are going to vote for; I hope everybody votes for this because it does, in fact, try to meet the needs of the American public, whether it is for education, public safety, health, or senior citizens health care. It tries to say we understand that we need to invest in the welfare of our people. This bill does it.

Mr. LIVINGSTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. UPTON].

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

Mr. UPTON. Mr. Speaker, this has been a long and arduous process. Putting together the revised export provisions for drug and device exports would not have been possible without the help of my good friends and colleagues, the chairman of the Commerce Committee TOM BLILEY, and the ranking member on the committee, JOHN DINGELL. Their efforts have made our goal of allowing easier exporting of these important medical products a reality, and I thank them and their staffs for all of their hard work.

As many of you know, I introduced H.R. 1300 in May of last year. Mr. Rich Rakow, a constituent of mine in southwest Michigan, who works for one of the drug manufacturers in my district came to me during a town meeting about a problem his company was having exporting its products. It seems that under our current export restrictions, it is virtually impossible to ship drugs or medical devices out of this country for use in other countries, even if they meet the needs and requirements of the importing country. I found this, well, unbelievable, and directed Jeff Myers on my staff to look into the matter.

What they reported to me was troublesome, to say the least. Manufacturers of pharmaceuticals, medical devices, and other blood products were moving overseas, taking with them high paying, highly skilled manufacturing jobs. Part of the reason for this is the current inability of the FDA to quickly turn around products submitted to them for approval. The other part of the equation, however, is the export provisions that were put into the Federal Food, Drug, and Cosmetic Act in 1986.

The goal of those amendments were simple. They attempted to open the door to the export of drugs to our trading partners overseas. Unfortunately, this has not been the case. The regulated industries have made very clear to me that these provisions are strangling their ability to compete, and this is causing an alarming increase of medical manufactures moving overseas. The compromise language included in the bill before us today, H.R. 3019, seeks to change this pattern.

Senators HATCH, KENNEDY, and GREGG, Chairman BLILEY, Ranking Member DINGELL, and myself, along with the FDA, worked on the language included in this bill. We worked to reconcile the differing language passed by the respective chambers included in the omnibus funding bill for fiscal year 1996. There is broad agreement on what the language in the bill means. I would like to discuss some of the ideas in the bill where there may be some misunderstanding in the future.

It is very clear that the majority of the Members believe that the export provisions are a trade issue first and foremost. Restrictions on trade often mean the loss of jobs right here in the United States. However, Senator KENNEDY voiced a number of concerns with H.R. 1300, and its companion bill, S. 593. His major objection, as I understand it, was that the FDA would not have any control at all over the exporting of drugs and devices. With those objections in mind, the mini-conference set out to mete out a compromise.

The FD&C Act, under this amendment, is altered to make it easier to export drugs and devices, as I have said before. It is also amended to make it generally easier to import unapproved subassemblies of these medical products, for the manufacture and export of finished products. This is very important.

The plain meaning of amendments to section 801(e) of the FD&C Act as it relates to imports is that no subassembly which is brought into this country solely for the purpose of manufacturing products to be exported would be restricted, as long as the company keeps records of the imported product, and destroys any of the imported subassemblies that are not to be used for the manufacture of exported products. Furthermore, the importation of blood components, source plasma, or source leukocytes is permitted as long as the company importing these products follows the guidelines in Section 351(a) of the Public Health Service Act, or if the Secretary has set up appropriate guidelines for the importation of these products. It is my understanding that there are companies in the United States that process these products for other countries, and this provision is meant to allow this to continue.

The addition of new provisions in section 801(f)(1) and (2) have also raised some issues within the drug and device community, and I would like to address these concerns. This amendment is designed to allow the export of FDA-approved drugs and over-the-counter [OTC] products with labels that may differ from the labels approved in the United States. As all of the conferees are aware, the FDA approves not only the molecular entity that makes up the OTC, branded and generic products, but it also approves the label with indications and contraindications for usage. Traditionally, the FDA has taken the approval process for products which need approval under section 505 of the FD&C Act to mean that this includes the label, and have therefore read section 801(e) as meaning that the product must be labeled in accordance with U.S. law.

Furthermore, the language included in 802(b)(1)(A) has been reviewed by the FDA, which has given us complete assurance that this law will apply to the export of all OTC and prescription drugs, as long as the drugs are legally marketable in one of the countries mentioned in 802(b)(1)(A), subsections (i) and (ii). This legislation does not require drugs to receive affirmative marketing approval if the laws of one of the countries mentioned in the bill do not require it.

The framers of section 801(f)(1) and (2) mean this section to allow the export of FDA approved products, which are not approved in a country mentioned in 802(b)(1)(A)(i) and (ii), to be exported directly to a country with a label required by that country. With the importing country's label, the product being shipped will not be regarded as misbranded or unapproved, specifically in respect to section 505 of the FD&C Act. Section 801(e)(1) of the FD&C Act states that ''a food, drug, device, or cosmetic intended for export shall not be deemed to be adulterated or misbranded under this Act—''. Clearly, the framers of the amendments included in H.R. 3019 mean section (f)(1) and (2) to follow the language in 801(e)(1) and allow for the export of products from the United States with a label which accords to the specifications of the foreign manufacturer without becoming misbranded. Furthermore, it is definitely the intention of the framers of this amendment that section 801 and 802 are not additive. In other words, products being exported under 802 do not have to meet the requirements of 801, with the exception of 801(e)(1), subsection A through D.

The framers did not intend to limit or otherwise restrict the export of animal drugs, insulin, or antibiotics. It is my understanding that there is a possibility that 801(f) (1) and (2) can be read to limit the export of these products, and that was certainly not the intent of this Member, or other Members of this conference. It is my hope that the FDA will accommodate the concerns voiced on this section for these products. Before the end of this Congress, I have been told by the Commerce Committee that we will address this issue in a technical amendment.

I would also like to address the section dealing with products for the diagnosis, prevention, or treatment of a disease which is not of significant prevalence in the United States Section 802(e)(1) is clearly meant to be another avenue by which companies, can export

products. Products exported under this section need not meet the requirements of section 801.

Devices were also of major concern to the conferees. Devices were specifically not included in 802(b)(2), because the current FDA practice of allowing for the export of devices that have an approved IDE is acceptable to the conferees. It is important to note here that this section has to do only with drugs not approved in the United States, or in one of the countries mentioned in 802(b)(1)(A), subsections, (i) and (ii). As I understand the current procedure, devices can be shipped after being reviewed by the FDA to other nations if they have an IDE and not a general approval.

Last, I would like to address section 802(f)(5). Again, these are labeling requirements for exporting products approved in the so-called tier one countries mentioned in 802(b)(1)(A), subsections (i) and (ii) to countries not mentioned in that section. It is most certainly the understanding of the conferees that this section is to be interpreted as written only for those counties which are not tier one countries. Furthermore, it is the intention of the conferees that this section requires the Secretary to consult with the appropriate health official before making a finding which might necessitate the stopping of exporting these products.

I am sure that we will revisit this issue in the future. Frankly, if it were up to me, there would be almost no restrictions on the export of medical products to nations which allow them for sale. In my mind, the job of the FDA is to protect the health and safety of the United States, and it is not to play health product policeman to the rest of the world. If a product is manufactured in accordance with the requirements and specifications of a foreign government, then I believe that it is insane for this country to deny the opportunity to manufacture this product here. No other nation on the face of this earth restricts the manufacture of medical products for export, because they know the value of these manufacturing jobs. While I believe that this is a true compromise, and it is, I also believe that we can and should do more to liberalize the treatment of trade in health products.

It's about time we begin again to export products—not jobs.

Mr. OBEY. Mr. Speaker, I yield the final 3 minutes to the distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

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

Mr. GEPHARDT. Mr. Speaker, my Democratic colleagues and I have come to this Congress for one single fundamental purpose: to fight for the working and middle-class families that are at the very heart of this country.

Throughout this very long and difficult budget process, we have held every policy and every proposal to a simple test: Does it make it easier for the lives of families that are working hard, trying to educate their children, trying to save for a decent retirement; or does it make that struggle even harder?

That is why Democrats fought so hard for a budget that does not cut education, student loans, or summer jobs, or roll back clean air or water standards or abandon the 100,000 police that we so desperately need on our streets.

This is not a perfect budget. This has been a difficult compromise on both sides. But I believe we have proven that we can cut the budget without cutting education or the environment, that we can rein in runaway spending without ravaging hard-working American families.

Mr. Speaker, while this is a day for both parties to come together, America must not forget that, without the Democratic Party, we would not have kept our commitment to educate America's children, to keep our environment safe and to insure basic health and safety standards in the workplace. Without the Democratic Party, we would not have kept our faith with working families in the middle class.

See, that is what the Democratic Party stands for. That is who we are. And that is why even after 2 Government shutdowns and 13 temporary spending bills, we would never ever give up the fight for education and health care and the environment and safe workplaces.

I will never forget visiting an elementary school in Houston with the gentleman from Texas, GENE GREEN, and the gentlewoman from Texas, SHEILA JACKSON-LEE, seeing the young children playing with computers and learning to read in intensive after-hour classes sponsored by chapter 1, and seeing the hope and the joy of these youngsters in being able to learn. This budget is for those children and their families. Or being in New Orleans and seening the chapter 1 mothers and their children meeting, and hearing a young mother stand up and saying because of chapter 1 she was getting her high school degree and planned to go to college and said she wanted to get her masters degree because her children were enrolled in chapter 1 in an inner-city school in New Orleans.

So I commend my Republican colleagues for letting us save those commitments and making this budget work for working families.

□ 1630

Today we celebrate a victory, not of party or partisanship, but of America's most basic and important values. Vote for this budget, and let it be a model of the kind of bipartisanship and working together that I will hope will mark the rest of this Congress.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds, only to thank the minority leader for his last comments, and to thank the ranking minority member and all of the staff, Republican and Democrat alike, that have worked so hard in the House of Representatives to make this possible, along with all of the Members who have worked hard on the committee and off the committee. They made important contributions as did all of the participants in the Senate as well as in the administration.

There was a lot of work that went into these 16 months, while this effort has gone on. We have a bipartisan bill, and I think in the final analysis, the American people are going to look back and say that Congress did their job under the Constitution, and government is going to get smaller because of it, and the people of America are going to be glad of it.

Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from Texas [Mr. ARMEY], the very distinguished majority leader of the House of Representatives.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas [Mr. ARMEY] is recognized for 2¼ minutes.

Mr. ARMEY. Mr. Speaker, I will be brief. The time has come for us to complete this work and have our vote. I would like to take a moment, though, and express my sincere congratulations and appreciation to the chairman and the ranking member of the Committee on Appropriations, and to all the members of the Committee on Appropriations from both sides of the aisle. This has been a long and arduous task.

I could say, parenthetically, there was a time when I thought I might want to be on the Committee on Appropriations. I never had that honor. But I did have the honor this year of working very closely with the Committee on Appropriations throughout all of these 15 months of writing these bills, negotiating these bills, going through all of the discussions at the White House and with the other body, and for whatever it is worth, Mr. Speaker, let me tell the Members, I thank the Lord that I will never be on the Committee on Appropriations, while I express, again, my appreciation for those Members who stayed with the task.

Mr. Speaker, this is a good bill for America. I just enjoyed listening to the minority leader, my good friend, the gentleman from Missouri [Mr. GEPHARDT], speak, as he does, for his vision for what is good for the American people; express again, as he does, his belief that what is good for the American people can be found in more government programs.

We, too, express our vision for what is good for the American people, and this expression of vision is that the American people need relief from the burdens of the excessive size of government programs, so we bring forward here a bill that represents $30 billion less than the President's request, $23 billion less than what was spent last year; a bill that conforms with the budget that we all voted on just a few short months ago, and settles itself within the discretionary limits imposed and accepted by that budget.

Mr. Speaker, it is good work, it is good work that reflects a commitment to the American people. We, too, love the future of our children and your children, and we love that future within the discipline and the responsibility of a Federal Government that is determined to live within its means, bring

itself to balance, and give relief from the burden of excessive government taxation.

Mr. Speaker, I congratulate the committee again, and I ask all my Members, appreciate the good work, appreciate the victory for the American people, appreciate the future it promises for the American children: Vote ''yes.''

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to the language in the omnibus appropriations bill that would repeal section 415 of the VA, HUD, Independent Agencies Appropriations Act for fiscal year 1988, also known as the Frost-Leland amendment.

Introduced by the late Congressman Mickey Leland, the provision specifically prohibits the use of Federal funds to demolish public housing units at Allen Parkway Village, a public housing project in my congressional district of Houston, TX.

The language contained in the 1996 omnibus appropriations bill repeals this provision and states that the Housing Authority of the city of Houston may proceed with the demolition and rehabilitation of Allen Parkway Village, which according to the conferees is being delayed by the section 106 process under the National Historic Preservation Act of 1966. While the conferees do not amend the section 106 process, they do state that ''the conferees do not believe that it is good policy to require the preservation of buildings unsuitable for modern life at the expense of low income families in dire need of safe, decent, and affordable housing.'' I agree, however, the determination should be made through an inclusive community process which has not yet occurred in Houston fully.

I am very concerned about the fact that no hearings were held on this issue nor was I consulted about this language which affects my congressional district. I have spent a great deal of time working on this issue together with the residents of Allen Parkway Village, the mayor of the city of Houston, the housing authority of the city of Houston, and the U.S. Department of Housing and Urban Development.

I believe that it is necessary to clarify the issue of the importance of historic preservation to the cultural heritage of our Nation. Allen Parkway Village was placed on the National Register of Historic Places in 1988 and I can assure you that its historic significance is recognized in Houston. Historic preservation guidelines and regulations contained in current law have not delayed the process of rehabilitating facilities such as Allen Parkway Village in Houston. Indeed, the section 106 historic preservation process was completed in December of last year. I agree with preservation and demolition with planning. This sneak attack repeal doesn't bring the community together, it only divides it.

I can assure you that in no way has the importance of historic preservation stood in the way of the need to provide affordable housing for low-income families. That is our goal and it is one that all parties in this debate agree upon. We can provide affordable, quality, and public housing for the citizens of Houston and we can do so while respecting the traditions and history of Houston's past and by respecting an inclusive community planning process.

Mr. FAZIO of California. Mr. Speaker, I rise today to offer my support for the omnibus appropriations agreement before us. I am gratified that many of the deepest cuts proposed by the Republican leadership have been eliminated and the environmental riders have been dropped from the conference report. The conference report also overturns a recently-enacted law that requires that HIV-positive personnel serving in the armed forces be discharged. While not perfect, this compromise bill goes a long way toward meeting the policy goals of the President and negotiators on both sides.

In spite of the fact that this bill is 7 months overdue, H.R. 3019 contains some provisions that are worthy of our support. The bill's funding levels for these provisions reflect the bipartisan support of many millions of Americans.

I am particularly happy to vote for an omnibus package that funds vital education programs such as Title I and the Safe and Drug Free Schools Program. The conference report provides $2.8 billion more for education funding than the House bill, which included a 17-percent reduction for the 1995 levels.

Title I, which provides extra academic assistance to help schools with large numbers of poor and disadvantaged children, would have been cut by more than $1 billion. In my State, this would have meant reductions of almost $130 million. In Sacramento, the school district would have been forced to eliminate as much as $65,000 for some of the neediest schools. Seven to eight schools and approximately 100 teachers positions would have been eliminated.

Reading tutorial sites would have been closed and educational technology programs would have been eliminated affecting almost 3,300 students.

I am thankful that these essential programs will continue to serve the children of the Sacramento school district for another school year.

I am also glad to see that my colleagues recognized the importance of the Cops-on-the-Beat Program. Rural communities and small towns like the ones that I represent, receive about half of the grants awarded in the COPS Program. Cities like Williams, Yuba City, and Red Bluff have all received the funds to hire more law enforcement officers. Rural crime is a serious, but often overlooked, issue. Our citizens want to reel safe from the threat of crime and COPS is the best way to achieve that.

In addition, towns like Vacaville and Dixon have been able to purchase computers and the related technology necessary to deploy additional officers.

New officers are able to walk local beats, get to know small business people and neighborhood residents, and gain the respect of the communities where they work.

Had the majority succeeded in turning the COPS Program into a large and potentially wasteful block-grant program, small communities in my district would still be waiting for reinforcements. I believe that a vote for the omnibus package is a vote for more police officers and less crime.

There are also several environmental provisions in this bill that are worth mentioning.

H.R. 3019 preserves the congressional intent of the California Desert Protection Act passed in the last Congress by allowing continued protection of the Mojave Desert.

Both in the Appropriations Committee and on the House floor, I offered amendments to the Interior appropriations measure to make sure that the Mojave was properly managed so that this valuable resource would be adequately maintained for future generations to enjoy. With significant bipartisan support, Congress passed the California Desert Protection Act which gave the National Park Service and not the Bureau of Land Management jurisdiction over the desert.

The back-door attempt to repeal this part of the Desert Protection Act was short-sighted and ran counter to Congress's commitment to environmental protection. The original act was subject to open and prolonged debate. If the Republican majority in this new Congress sees fit to change that, it should follow the same process, and not attempt to short-cut the legislative process through an appropriations measure.

I urged President Clinton not to sign the Interior appropriations bill unless this environmental rider was removed. While the bill still includes the rider, it allows the President to waive its implementation if he so desires. President Clinton has assured me that he is committed to doing so. I want to commend him for standing firm on this issue and to commend the conferees for acknowledging its significance.

The Park Service is ready and willing to work with affected interest groups to insure the Mojave Desert is properly managed. The Park Service, and not the Bureau of Land Management, is the appropriate guardian to insure that in years to come, the fragile ecosystem in the desert is not unbalanced by unbridled abuse of this precious resource.

I'm glad to say that the omnibus bill that we are voting for today settles the debate for another fiscal year in favor of America's children and teachers, safety in our communities, and our environment.

But ultimately, these last 7 months have been an unnecessary political exercise.

These last 7 months have really been more about partisan grand-standing and ideological purity than about seeking bipartisan compromise on behalf of all Americans.

I believe that as this compromise shows, we can make our Government a leaner and more effective one without balancing the budget on the backs of America's working families, senior citizens, the environment, and particularly, our children.

This is a good agreement but it is one that we could have and should have passed 7 months ago. I urge my colleagues to support this omnibus appropriations bill.

Mr. CASTLE. Mr. Speaker, I rise in strong support of H.R. 3019, the omnibus appropriations bill for fiscal year 1996. This bill is a fair compromise that reduces Government spending and keeps us on course to a balanced budget, while also providing adequate funding for education, environmental and other important programs. I applaud Chairman LIVINGSTON and the members of the Appropriations Committee for their hard work in forging this important compromise that allows our Government to perform its necessary duties within the limits we need to achieve a balanced budget.

With the completion of this bill, we will save the taxpayers $23 billion from the 1995 funding levels. Equally as important, the reductions in this bill are more fairly distributed to allow for improved funding for education, housing, environmental and other important programs.

I want to thank the Appropriations Committee for addressing a number of concerns that

I and other Members had expressed about the funding levels for title I education support for disadvantaged students, antidrug education through safe and drug-free schools; fighting drugs in public housing; and funding for the Environmental Protection Agency. These programs will receive solid funding levels in this legislation.

Mr. Speaker, I believe the top priority of this Congress must continue to be achieving a balanced budget. Balancing the budget requires limiting spending for virtually every program. Tough decisions have to be made. I have not always agreed with the priorities and allocations made for various programs. But this bill is a truly fair compromise that meets our most important criteria—balancing the budget—but in a fair and equitable manner.

Again, I applaud the work of the negotiators and the Appropriations Committee and staff. I urge passage of the 1996 omnibus appropriations bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to express my sincere thanks to my Democratic colleagues from both Chambers of this Congress who were members of the conference committee. I know their work hours were long and the task difficult. I congratulate each of them for their contribution to this victory of people and good balanced policy over narrow-minded extremism. Each of them fought for and won an addition $5 billion for education, Head Start, the EPA, and other important programs. I thank you and I am sure this Nation's work force, children, and students thank you.

I would also like to thank President Clinton for holding firm to his principles and the fundamental beliefs of this Democratic party. Though some would have you believe otherwise, the President has shown that it is possible to hold to these beliefs and balance the budget. It encourages me to see the President stand firm and not allow the destruction of our environment and to fight the Republicans' antienvironmental proposals. Thanks to him there will be no increased logging in the Tongass National Forest. There will be no moratorium on listing additional endangered species and there will be sufficient money for the EPA to successfully protect the environment that we all live in.

In spite of this, Mr. Speaker, with the school year quickly approaching its conclusion, this Congress has not done all that it could to promote summer employment for our Nation's disadvantaged youth who are most in need.

In H.R. 3019, the omnibus appropriations for fiscal year 1996's reconciliation package before us, the funding allocations agreed upon will only allow a paltry $625 million for the youth summer employment portion of the Job Training Partnership Act [JTPA] appropriations for 1996. This is a $242 million cut when compared to last year's funding level of $867 million.

Had the summer jobs portion of the JTPA appropriations been held to last year's levels, Houston would have received $9.1 million. This level of funding would have resulted in over 6,000 jobs for Houston youth.

These are our children. They are not a world away but only a few blocks from where I am standing. They live in the very neighborhoods that surround this Capitol Building. They are in the streets of the cities and towns each of us represents. They are from all races, religions, and cultures. They are the faces of young, bright, creative, optimistic people who we see every day. They share only one thing in common. They are unfortunate enough to have been born into the families of our Nation's poor.

I know from personal experience that a summer job for those young people enrolled by JTPA-sponsored projects around this country is more than just an opportunity to save money for the next school year, it is an opportunity to learn and gain valuable experience which is outside of their limited life experiences.

The stinginess of this Congress was by no means limited to our Nation's youth, it extends into the other areas: the funding for training dislocated workers was reduced $129 million from last year's funding levels, funds for adult training programs were cut by $147 million in the conference reconciliation package before us today.

The only positive that I can speak on regarding the labor portion of this bill is the $16 million increase in the funding for the Jobs Corps.

With regards to education, I am pleased that once again, because of the President's leadership, this conference report provides $2.8 billion more for education funding than the House-passed bill, and provides full or close to full funding for the President's National Service Program, the Goals 2000 educational initiatives, and title I funding for disadvantaged children in local school districts. In spite of the attempts by bean-counting Republicans, the Drug-Free School Program and Head Start will be funded at fiscal year 1995 levels.

I am disturbed, however, by the cuts in student financial assistance. The conference report provides $6.26 billion for student financial aid, which is a cut of $1.36 billion from fiscal year 1995. For Pell Grants, the conference report provides $4.9 billion, which is $1.26 billion less than fiscal year 1995. Obviously my Republican colleagues have forgotten what it costs to send children to college. The cost of college tuition are rising higher than ever before, and the number of people requesting aide are higher too. Just when the future leaders, scientists and artists of the next generation, this country's very future, need our help more than ever, my Republican colleagues want to deny them that assistance.

LEGAL SERVICES

This conference report would provide $278 million for legal services, which is a $122 million reduction from fiscal year 1995. The Legal Services Corporation provides an invaluable service to the indigent in this country, and I am concerned that this cut will compromise the ability of the poor to obtain good decent legal counsel. The sixth amendment of the Constitution guarantees every individual the right to legal counsel, but by brutally cutting the LCS budget, we are effectively denying this constitutional right to those who are served by it. In addition, this conference report contains the same prohibition as in the December conference report, prohibiting the use of funds, either public or private, for attorneys to participate in abortion litigation, redistricting, welfare reform, union organizing and strikes, and any class action suits.

TITLE X

I am pleased that the this conference report provides the title X family Planning Program with the same level of funding as fiscal year 1995. The title X Family Planning Program provides a valuable service for low-income clients by offering funding for contraceptive health services, pregnancy prevention, abstinence, and STD screening. Prevention costs a lot less than cure, and the money spent on this program saves this country not only money, but the social capital of our youth and low-income citizens as well.

HIV SERVICEMEMBER DISCHARGE

I am very pleased that the conference report overturns the recently enacted law that requires the discharge or retirement of military personnel who test positive for the HIV virus.

This unnecessary measure was neither sought nor supported by the Department of Defense. Both the Assistant Secretary for Force Management Policy and the Army's Deputy Chief of Staff for Personnel have stated that the provision would do nothing to improve military readiness while depriving the Armed Forces of experienced individuals who are ready and able to perform their assigned duties. I am thankful that the conferees had the wisdom to overturn this unwise and unjust provision.

Mr. Speaker, I will vote in favor of this package, not because I believe it to be the very best that we could do for our Nation, but because it is the best that the 104th Congress could accomplish. In a recent interview of Lester Thurow, the well renowned economist at MIT, he ably points out the folly of what this Congress has been doing. He argues that the biggest threat to the long-term economic health of this Nation is not Japan nor is it regulation, but rather the lack of investment we are making in the basic elements of this Nation's social system: infrastructure, education, R&D, and most importantly—people. It is these things which will secure the future of our Nation's economic and global status. We Democrats understand this and so does the President. I can only hope that Republican Members eventually do to.

Ms. FURSE. Mr. Speaker, I rise today in support of the conference report on H.R. 3019, omnibus appropriations for fiscal year 1996. I am pleased that the conference report includes over $1.2 billion in emergency disaster relief funding. These funds will go a long way toward helping communities in my region recover from the devastating flooding earlier this year.

In February, when the serious flooding began in Oregon, I returned from Washington, DC, to tour the flooded areas with the National Guard. It was my goal to do everything in my power to assist people in need and I am very proud of my staff's efforts to help the thousands of Oregonians who were suffering.

The first few days of the flooding were a flurry of activity. I contacted each house in my congressional district with vital information on where to get help, secured a Federal disaster declaration for each county, held special briefings for local officials on where to obtain emergency assistance, and established a mobile operations center. My office worked emergency extended hours to ensure that people got the help they needed, when they needed it. I toured the flooded areas a second time—this time accompanied by James Lee Witt, the Director of FEMA, and Rodney Slater, the Federal Highway Administration Director—and personally urged them to get assistance to Oregon as quickly as possible.

In the aftermath of the flooding, I held emergency mobile offices in 13 cities to reach out

and help Oregonians in need. I conducted four formal town meetings and toured the flooded areas for a third time. It was so heartening to see Oregonians joining together, neighbor to neighbor, to deal with the flooding. Today, my office remains intimately involved in damage assessment and recovery efforts at the local level.

Earlier this year, I was one of the two Democrats in the House to support a bill which included nearly $1 billion in disaster relief funding primarily for Oregon and the Pacific Northwest. Getting aid to my district is of paramount importance, and I originally supported this bill despite my serious reservations with other provisions unrelated to disaster assistance. My main goal was to help people recover as soon as possible from the devastation caused by the floods.

I am pleased that the final bill before the House includes over $1.2 billion in disaster assistance. These funds will go a long way toward helping restore our communities in Oregon. I would like to highlight a few programs which will benefit my constituents:

Over $100 million for watershed, flood control, and emergency conservation efforts; $300 million for highways and roads; $165 million for dikes and other Army Corps of Engineer projects; $150 million in FEMA disaster assistance programs; and $100 million in SBA assistance, as well as CDBG funds to help communities meet their local match requirements for FEMA programs.

Even with these funds, many communities still have a long way to go before people are back on their feet. I will continue to work closely with citizen groups and local officials to help Oregon recover from its worst flood in 30 years. I appreciate the hard work of the entire Oregon delegation in making this disaster relief package a reality, and urge my colleagues to vote in favor of the conference report on H.R. 3019 today.

Mr. OWENS. Mr. Speaker, the omnibus appropriations for fiscal year 1996 (H.R. 3019) represents a partial victory for common sense and the Democratic Party. We have forced the Republican Majority to cancel devastating cuts in programs such as Title I; Head Start; Drug-Free and Safe Schools; the Summer Youth Jobs Program and the School-To-Work Program. The children of America have won a temporary victory and vital funding will now flow smoothly.

We applaud this incomplete but positive step forward; however, the fact that the Appropriations Committee has usurped the power of the authorizing Economic and Educational Opportunities Committee and promulgated reactionary setbacks for educational reform must be exposed. If the closed door, secretive actions of the Appropriations Committee are not curbed we will soon be confronted with a situation where all authorizing committees are rendered irrelevant and obsolete.

The scenario which began with the irresponsible campaign to abolish the Department of Education has now reached a backdoor climax through the appropriations process. By gutting the authorizing education reform legislation passed in the 103d Congress, the powerful Appropriations Committee has removed the reason for the continued existence of the DOE.

The results of all existing public opinion polls indicate that an explosion of public indignation is likely to greet this monstrous result of Republican blackmail at the negotiating table. Voters have consistently ranked education as one of the top three priorities for public funding.

The following is a summary of the scarred and mangled education reform program left after the illegal actions of the Appropriations Committee:

The conference agreement amends the Goals 2000: Educate America Act. Specifically, the agreement includes language: Which permits school districts, in States that elect not to participate in the Goals 2000 program, to apply directly to the Secretary of Education for Goals 2000 funding, if the State education agency approves; eliminates the requirement that States submit their improvement plans to the Secretary of Education for approval; deletes the requirement for the composition of State and local panels that develop State and local improvement plans; eliminates the National Education Standards and Improvement Council; removes the requirement for States to develop opportunity-to-learn standards; and clarifies that no State, local education agency, or school shall be required, as a condition of receiving assistance under the title to provide outcomes-based education, or school-based health clinics.

A special and particular target of this arrogant usurpation of the powers of the authorizing Education Committee was the requirement for States to develop opportunity-to-learn standards. Like all standards this was a voluntary one and merely called for the inclusion of a discussion of the steps being taken to provide adequate resources for learning to the students being required to take tests that are compared from State to State.

This stealth assassination of the concept means that the months of debate that took place during the authorizing process will be thrown into the garbage and at the Federal level there will be no discussions of the obligations of States to provide safe buildings, up-to-date library books, science labs and qualified teachers. Black children will be tested and tested and tested until they are driven from the education process. But no one will be held accountable for not providing adequate resources.

The group with the least knowledge and wisdom about educational reform has assumed the greatest amount of decisionmaking power and prevailed in removing any chance at the establishment of accountability through visibility.

For the moment the neanderthals have triumphed; however, when pearls are thrown into a pig pen and the boars gang up to urinate on the pearls, the value of the pearls is in no way diminished. The power of the idea of opportunity-to-learn standards will one day soon be resurrected.

Mrs. SMITH of Washington. Mr. Speaker, I rise in support of this legislation. Earlier this year, the Pacific Northwest experienced a flood event of devastating proportions. The resources provided in this bill for disaster relief will go a long way toward rebuilding the infrastructure in southwest Washington.

For instance, the Gifford Pinchot National Forest took a brutal beating by the flood. Roads, bridges and trails were obliterated by the flood waters, causing an estimated $13 million in damage. Many of these roads are key links to Mt. St. Helens National Volcanic Monument, an important tourist attraction in my district. Tourism related businesses in places like Randle and Cougar rely on the roads for their livelihood. The assistance in this bill will go a long way toward reopening access in the Gifford Pinchot.

In addition, the funding for the Fish and Wildlife Service will help repair our wildlife refuges that provide habitat for endangered species like the Columbia whitetailed deer in Wahkiakum County.

The Corps of Engineers also are provided significant funds to repair important dikes and levees. I am hopeful that some of these funds can be used for the design, dredging and monitoring of the relief channel at Willapa Harbor. This is an extremely important project for the people in Pacific County because it controls the erosion problem and restores navigation at Willapa Harbor.

With respect to the offsets in this bill, the Federal Emergency Management Agency has assured me that they have the necessary resources to take care of the human needs in the Pacific Northwest.

I urge my colleagues to support this legislation.

Mr. ALLARD. Mr. Speaker, I want to commend Chairman LIVINGSTON. He has done the best job he can in negotiations with the Senate and the White House.

There is no question that this bill constitutes progress in the battle to reduce the deficit. With this and the other appropriations bills, budget authority is $23 billion below last year's level. This is an improvement over normal congressional spending patterns.

I will vote for this bill, but I want to make very clear my view that we should move faster in downsizing the Government. I regard this only as a down payment.

With Coloradan and other families struggling under an average tax burden of 38 percent of income, it is clear to me that there is still a great deal of work to be done.

Last year when we began balancing the budget, I wanted to do it in 5 years. I also wanted to give the families of Colorado tax relief, and shift money and power out of Washington and back to States and local communities.

We were told that this could not be done. We were told we must compromise with the Senate and with the President. So we agreed to a 7 year plan, only to have it vetoed by President Clinton.

President Clinton wanted a budget that would never balance. All he was willing to put on the table was a plan that pretends to balance, but puts all the cuts off until after the turn of the century when they will never happen.

We got no tax relief for families. Tax Freedom Day remains May 7, the latest day ever. The typical American family now pays more in total taxes than it spends on food, clothing, and shelter combined. I realize the Appropriations Committee has jurisdiction over only the discretionary portions of this bill, but the fact remains that it spends entitlement funds. In fact, in the health portion of this bill, over 75 percent is for mandatory entitlement programs, including Medicare and Medicaid. This House wants to reform these programs. President Clinton has vetoed reform.

Medicare is in trouble. Last year the Clinton administration projected that Medicare would go broke in 2002; we now know it will be much sooner, before the year 2000. What

have we done? Nothing. Once again, the tough choices are put off to the future.

It is true that the deficit is coming down. But it could and should be coming down much faster. Let us not forget, each of these deficits is added on top of a $5 trillion national debt that keeps getting bigger. We should be reforming entitlements, and we should be cutting more in 1996.

Much of the deficit reduction that is occurring is due to lower interest rates and lower inflation. In fact, the CBO now tells us that we will save $288 billion over the next 7 years in lower interest payments on items such as the debt and CPI adjustments to entitlements.

We should be using this fiscal dividend to get to balance much sooner and put an end to deficits for good. Instead we are spending much of it. This is a testament to the tremendous spending bias of Washington, DC.

It is time to dramatically downsize this Government. We need to send the money back home to States, communities, and families. While this bill is a downpayment, I am not ready to declare victory. There is much work to be done.

Mr. McKEON. Mr. Speaker, I rise today to briefly address a particular provision contained in H.R. 3019 which I believe should be implemented with careful attention by the Department of Education.

The provision renders institutions of higher education ineligible for the Pell Grant Program if they have been eliminated from the student loan programs due to high default rates. Default rate calculations have been the subject of much debate and I anticipate that the debate will continue during the next reauthorization of the Higher Education Act. As we all know, the Department of Education has had problems calculating these rates accurately in the past and I would not want to see an institution and its students harmed due to an incorrect calculation. I also believe that the Department of Education, by working in consultation with institutions, should implement the exception categories included in the provision in an expeditious and cost effective manner. Institutions should not be forced to spend huge sums to prove that they, in fact, qualify under the exception categories in the provision. A careful and thoughtful implementation process on the part of the Department of Education will help avoid many of the problems encountered in the past.

Again, we will be closely reviewing these types of important issues as we begin the process of reauthorizing the Higher Education Act.

Ms. PELOSI. Mr. Speaker, today we have before the House an agreement on the remaining spending bills for fiscal year 1996. This bill reflects significant movement in the right direction. I was pleased to work for many of the President's priorities as a member of the conference committee.

Last year, the Republican Leadership made a conscious decision to hold priority programs for education, job training, and environmental protection hostage to their demands for tax cuts for the wealthy and deep cuts in Medicare and Medicaid. The Gingrich agenda has thrown the congressional budget process into chaos.

This conference agreement is a great improvement over the extreme House bill. Yet, the priorities in spending for fiscal year 1996 are difficult to justify. At the same time the majority is providing $7 billion more than requested by the Pentagon for defense programs, they are cutting deeply into priority programs which invest in our Nation's future.

Let me comment specifically on the conference agreement on the Labor-HHS-Education appropriations bill. This bill provides for some of the highest priority investments for our future—the health and education of the American people. The bill provides $64.5 billion in discretionary spending, a decrease of $2.6 billion from comparable 1995 spending and $7.5 billion less than the President's request.

It is difficult not to comment on the judgement of moving $7 billion from priority education, job training, and health programs to new and unrequested defense spending. I clearly have a different view on how we should measure the strength of America.

Nonetheless, The President must be commended for standing strong and insisting that the egregious cuts in the House bill be overturned to restore much needed funding for education, job training, and environmental protection. President Clinton's leadership on these priority domestic programs has made a real difference.

The 17 percent cut to compensatory education has been reversed. The 57 percent cut to Safe and Drug Free Schools has been reversed. The elimination of Goals 2000 has been reversed. The elimination of the summer youth employment program has been reversed. Job training has been restored for more than 100,000 displaced American workers. Worker protections have been restored. Funding for the Ryan White CARE program has been increased. And, of the 17 riders to which the administration strongly objected 14 have been dropped and 3 have been modified.

The majority of anti-environment riders to the bill have been removed or the President has been given waiver authority to stop their implementation. We should never again try to use the budget process as the engine for bad environmental policy that does not have the fuel to pass Congress standing alone.

In addition, the bill restores the community policing program to fund 100,000 new police. And, the bill overturns the recently enacted requirement that HIV-infected service members be discharged. These changes are a great step forward.

While this bill is a great improvement over the House-passed bill, it does contain two unjustified provisions to assist New Hampshire and Louisiana with their Medicaid programs. At the same time, very well justified provisions to assist California public hospitals were not considered. My hope is that the situation in California can be addressed in other legislation.

Mr. Speaker, now is the time for the House leadership to commit itself to bipartisan solutions and an orderly budget process for 1997 so that we never again put the American people through the uncertainty reflected in passing the 1996 spending bills.

Mr. GORDON. Mr. Speaker, I rise in support of this bill. However, I am disappointed that we were not able to reach a compromise on capping the direct lending program.

The Clinton administration has been right on the mark for its continued advocacy on behalf of students and their families with respect to education funding. As I, and 25 other Democrats wrote to the President in a letter last week, our focus has rightfully been on title I, Head Start, and raising the level of student aid.

However, the preoccupation with the new Federal direct student loan program is dramatically misplaced because direct lending does not increase the level of student aid or the quality of education. Direct lending is simply one administrative mechanism for delivering that aid.

It is unfortunate that we couldn't come up with a 40 percent compromise cap on direct lending to allow for a fair test of this new government-run program with the proven guaranteed student loan program.

I want to acknowledge the careful deliberation direct lending has received in this Congress and the strong Democratic opposition that has always followed direct lending. In fact, direct lending was pushed through Congress without a committee hearing in the House in 1993 and despite the misgivings of a bipartisan majority of the body. I am confident that the current direct loan program implementation plan could not survive a stand-alone vote in this Congress or the last Congress.

We have learned a lot over the last year.

The independent and nonpartisan Advisory Committee on Student Financial Assistance has cited the fact that the Department has risked the integrity of the direct loan program by allowing schools with high defaults and questionable records into the program.

We have confirmed that direct lending will add $350 billion in unnecessary borrowing added to the national debt.

And we know that there are no plans for the direct loan program to include the kind of risk-sharing on defaults included in the guaranteed student loan program that helps protect taxpayers.

Finally, we know—not only from the Congressional Budget Office [CBO] but also from the Congressional Research Service [CRS]—that in an apples-to-apples comparison, the direct loan program does not save tax dollars. Period.

A cap on direct lending to do a fair test with the schools currently in the program is more than fair—and is still the right thing to do.

A 40 percent cap test period would give the Department of Education time to focus on other management problems, such as the recent backlog in processing the basic financial aid form. I have no doubt that hundreds of individuals at the Department are working hard to solve these problems, but the fact is they have a lot of work to do. This is not the time to give them more responsibility.

The best student loan program for the next generation of America's students should include flexible repayment plans that make sense, incentives and risks for loan administrators who must make the program accountable to taxpayers, and improved safeguards in program integrity. The 40 percent compromise on direct lending would have given both loan programs a chance to deliver on these objectives.

Mr. SMITH of New Jersey. Mr. Speaker, I should also say that I share some of the frustration of my colleagues. This legislation is the result of a compromise. As with every compromise, there are things in the bill I would have preferred not to have. The bill also omits some provisions I would have liked to see included. On balance, however, Chairman LIVINGSTON and our leadership have brought

back a victory for the pro-life majority in the House, and a victory for the protection of unborn children.

Our most significant victory is that the conference report does not include the Hatfield language, which was included in the Senate bill and would have effectively written a blank check to the international abortion industry.

Last year the House voted several times to condition U.S. funding for population control activities on the Mexico City policy—a prohibition of funding for foreign organizations that perform or promote abortion. The House also voted to condition its support for the United Nations Population Fund [UNFPA] on an end to UNFPA support to the forced abortion policy of the People's Republic of China.

The House provisions recognized that money is fungible. The fiction advanced by the other side—that international population control agencies can use bookkeeping devices to spend their money on abortions, and our money on everything else—ignores this reality. United States taxpayers do not want their money going to organizations which support the PRC program that includes forced abortion which themselves perform abortions, or which seek to export abortions to countries that currently protect their unborn children. If population-control organizations insist that they want population money only for family planning activities unrelated to abortion, they could do so under the House provisions by getting out of the abortion business.

The Mexico City policy did not and would not lessen the overall U.S. contribution to international family planning. Almost all of the organizations which had received funding agreed to the terms of the policy and continued to receive funding. But the Mexico City policy has prevented these U.S. dollars from being used to enrich the international abortion lobby or to support its self-serving efforts to legalize abortion as a method of birth control.

Unfortunately, pro-abortion organizations would not let the foreign aid appropriations bill go forward unless they can get U.S. dollars and continue to pressure other nations to sanction abortion on demand—pressure which would appear to be endorsed by the United States because these groups receive substantial U.S. financial support.

For this reason, the House and Senate reached an impasse in negotiations, even though the House made several concessions in its pro-life language.

The issue was finally resolved by compromising not on abortion policy itself, but on the level of funding and the timing of expenditures. We dropped the Mexico City language in favor of a 35 percent cut in funds for international population control, and a provision that only one-fifteenth of the funding could be obligated in each of the 15 months for which fiscal year 96 funds will be available.

These provisions were designed to give both sides time—and an incentive—to negotiate further on the abortion issue. But the largest recipients of grants for population programs, and some of their supporters in Congress, instead chose to make wild and unsubstantiated charges against the compromise. Pro-abortion organizations were even accusing pro-life Members of Congress of causing more abortions. They had a simple formula: less money for abortion providers means more abortions, and more money for abortion providers means fewer abortions. Mr. Speaker, the conferees have recognized this assertion for the nonsense that it is, and they have omitted the pro-abortion Senate language.

Mr. Speaker, U.S. spending for population control has gone up dramatically in the last 3 years—from $325 million in fiscal year 1992 to about $550 million in fiscal year 1995—even in a time when money has been generally tight and many Federal expenditures have stayed level or declined. Even aside from concerns about the abortion issue, the Clinton administration has been giving disproportionate emphasis to population control as a solution to all problems. Our first foreign aid priorities should be programs that save the lives of children, protect refugees who are fleeing persecution, and create free and self-sustaining economic systems for people in emerging nations. The logic of disproportionate spending on population control seems to be that people will not need help if they are not around. Not only is this policy morally questionable, but it will not work.

The reduced funding level for population programs in fiscal year 1996 under the recent compromise will be about $356 million. This is substantially more than the United States spent on all population control programs in fiscal year 1992, or in any other year prior to the dramatic increases of the Clinton era.

Finally, and most important, the population-control lobby can eliminate the statutory ceiling imposed by the compromise—simply by agreeing to reasonable restrictions on international abortion-related spending. All we want is to re-erect a wall of separation between abortion and family planning.

Mr. Speaker, I also want to call attention to another important provision of the conference report: the Coates-Snowe-DeLay amendment, which is necessary to preserve the accreditation of medical schools that do not require their students to actively perform abortions. At the urging of the pro-abortion movement the ACGME imposed a rule that would have frozen out of the profession those students who would not do abortions. This provision will effectively reverse that coercive, anti-life, power play by the abortion industry.

Mr. Speaker, I would have liked to see even more pro-life provisions in the conference report. There are also other important omissions. Mr. GILMAN submitted a list of 18 noncontroversial provision from H.R. 1561, the Foreign Relations Authorization Act. These important provisions included the MacBride principles for justice in Northern Ireland, the Humanitarian Aid Corridors Act, the restoration of asylum eligibility for forced abortion victims, and the extension of the Lautenberg amendment which has saved so many Jews and evangelical Christians in the former Soviet Union from persecution. Unfortunately, President Clinton saw fit to veto the bill that contained these important human rights provisions. I believe they should have been included in this conference report, especially because the report includes a waiver of the statutory requirement that there be an authorization for the State Department during fiscal year 1996.

But I know the going was tough—the majority of the Senate conferees and the White House were both against us, especially on the pro-life issues—and I congratulate Chairman LIVINGSTON and the leadership on their firm stand in favor of human life. I urge my colleagues to vote ''yes.''

Mr. KOLBE. Mr. Speaker, I spoke this afternoon about the need to put fiscal year 1996 appropriation issues behind us. With today's momentous vote on H.R. 3019 we have accomplished this. I wanted to speak a little more about an amendment I authored during markup of the Interior appropriations bill, and which is included in section 335 of the Interior Department portion of H.R. 3019.

The Kolbe amendment on Mount Graham is quite simple. It states that alternative site 2, which was issued by the Forest Service, is authorized and approved, and that the site—alternate 2—shall be deemed to be consistent with and permissible under the terms of the Arizona-Idaho Conservation Act of 1988 (AICA), Public Law 100–696. What does this mean? The Kolbe amendment reaffirms what many people believed; that the alternative site chosen by the Forest Service for the location of the large binocular telescope [LBT] is in compliance with the authorizing language.

Why was this language necessary? To clarify, once and for all, that the alternative site for the large binocular telescope falls within the parameters established by Congress for the location of the Mount Graham telescopes. In fact, during the entire period in which the Forest Service defended itself against the lawsuits filed by various environmental groups, U.S. Attorney Janet A. Napolitano argued in both U.S. District Court and before the Ninth Circuit Court of Appeals that ''* * * [the site] satisfies the statutory requirement that the three telescopes comprising the Observatory, including the LBT, not exceed 24 acres within the marked boundary.'' ''The site'' she argued, ''also conforms to the requirements of Reasonable and Prudent Alternative 3 * * *.'' U.S. Attorney Napolitano concluded her argument by stating what many of us already knew and understood, ''the Approved site [alt 2] is the best site for the long-term survival of the red squirrel.''

The U.S. attorney is not only one who has taken the position which the Kolbe amendment clarifies. Ninth Circuit Court Judge Hall in her dissenting opinion stated:

> I think that the AICA confers discretion on the Forest Service to site the telescopes as it sees fit, so long as those locations are within the 24-acre ''Site'' described in section 601(b) of the AICA, and because I believe we are bound to defer to the Forest Service's own reasonable interpretation of the AICA * * *.

Judge Hall's final comment was:

> I find the further delay imposed by today's decision especially regrettable in light of the fact that the FS appears to have chosen to locate the LBT on Peak 10,477 in good faith and for laudable reasons: Peak 10,477, according to the FWS is now the location that would cause the least disruption to the squirrel's habitat.

I couldn't agree more.

I hope the adoption of the Kolbe amendment closes this unfortunate chapter of the Mount Graham Observatory. Alternative site 2 is in compliance with the AICA, and I look forward to the resumption of construction of the LBT. The discoveries that lie in the heavens await us.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

MOTION TO RECOMMIT

Mr. YATES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). Is the gentleman opposed to the conference report?

Mr. YATES. Absolutely, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. YATES moves to recommit the bill (H.R. 3019) to the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 25, not voting 10, as follows:

[Roll No. 135]

YEAS—399

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
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
Cummings
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
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)
Lightfoot
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
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schumer
Scott
Seastrand
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—25

Bonilla
Chabot
DeFazio
Dornan
Duncan
Funderburk
Graham
Hancock
Hilliard
Hunter
Hyde
Johnson, Sam
Jones
Largent
Norwood
Sanford
Scarborough
Sensenbrenner
Shadegg
Smith (MI)
Souder
Thornberry
Waters
Watt (NC)
Yates

NOT VOTING—10

Baesler
de la Garza
Ewing
Jacobs
Peterson (MN)
Quillen
Rangel
Rose
Schroeder
Wilson

□ 1653

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

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EWING. Mr. Speaker, I missed all votes today because I was in my district with James Lee Witt, the Director of the Federal Emergency Management Agency, to visit several of the areas in Champaign County which were devastated by tornadoes last weekend and to help formulate the Federal Government's response. Had I been present, I would have voted for passage of H.R. 3019, the omnibus appropriations bill conference report.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2723

Mr. BISHOP. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2723, the Work and Family Integration Act.

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

There was no objection.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. SABO. Mr. Speaker, the Congressional Budget Act sets up procedures to allow the appropriations process to move forward in situations when the budget resolution is behind schedule. I would like to inquire of the Chair whether these procedures have been followed.

In particular, if the conference report on the budget resolution is not adopted by April 15, section 603 of the Budget Act directs the chairman of the Committee on the Budget to submit to the House a spending allocation to the Committee on Appropriations for the coming fiscal year. The allocation is to be based on the discretionary spending limits set by law. Its purpose is to allow the House to begin work on appropriation bills.

Section 603 of the Budget Act requires this allocation to be filed as soon as practicable after April 15. When I was chairman of the Committee on the Budget, I submitted this allocation when it was required, and my predecessor, Leon Panetta, did as well.

If we are to avoid running the Government on continuing resolutions again this year, it is essential that the appropriations process get started. The April 15 deadline set by the Budget Act for completion of the budget resolution passed more than a week ago, and the House markup has not even been scheduled.

Therefore, Mr. Speaker, I would like to inquire whether a fiscal year 1997 spending allocation to the Committee on Appropriations has been submitted to the House as required by section 603 of the Congressional Budget Act.

□ 1700

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise the gentleman from Minnesota to consult with the chairman of the Committee on the Budget on this matter of a submission as soon as practicable after April 15.

Mr. SABO. Mr. Speaker, I know the gentleman cannot be here. The gentleman knows I am making this inquiry.

THE BUDGET PROCESS

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

Mr. SABO. Mr. Speaker, let me indicate that this was a process adopted in 1990 to make sure that appropriations could move forward in the event no budget resolution is adopted. In 1991, April 15 came on a Monday. The allocation to appropriations was filed on April 18. In 1992, April 15 came during Easter recess. The House reconvened on April 28 and the allocation was filed on April 30. In 1994, April 15 was a Friday. The allocation was filed on Tuesday.

Let me indicate that this is a process established so that appropriations can move forward. It does not prejudge what the 602(b) allocations internally in that committee should be, but it should be followed so that committee can begin working, avoid the problems we had this year on the continuing resolution. It does not prejudge how the Committee on Appropriations makes internal allocations. The majority has full flexibility to move forward, if they desire in a partisan way, with the 602(b) allocation. They could begin negotiations with the minority Democrats and administration to resolve what we are now resolving 6 months late at this point of the year. They have that discretion.

I urge, if it has not been followed, that the majority follow the law, give that allocation to Appropriations, so that negotiations can begin within the appropriating process so we do not have to go through the 13 continuing resolutions of this year and the budget process, whenever it is going to occur, whatever form it is going to take, or at what time we eventually get to the conference agreement, can proceed. But we should not be shortening the time that the Committee on Appropriations needs and which under the law they should be able to begin now.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I rise to inquire of the distinguished chief deputy majority whip the schedule for today and the remainder of the week and for the next week.

Mr. HASTERT. Mr. Speaker, if the gentleman will yield, I thank my good friend from Michigan, the minority whip.

Mr. Speaker, I am pleased to announce that we have concluded our legislative business for the week.

On Monday, April 29, the House will meet in pro forma session. There will be no legislative business, and no votes, on that day.

On Tuesday, April 30, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that we do not anticipate votes until 5 p.m.

On Tuesday, April 30, we will consider three bills under suspension of the rules: H.R. 1823, to amend the Central Utah Project Completion Act; H.R. 1527, to amend the National Forest Ski Area Permit Act of 1986; and H.R. 873, the Helium Privatization Act of 1995.

After the suspensions, we will consider the President's veto of H.R. 1561, the American Overseas Interests Act of 1995.

On Wednesday, May 1, and Thursday, May 2, the House will consider the following bills, both of which will be subject to rules: H.R. 2149, the Ocean Shipping Reform Act of 1995; and H.R. 2641, the U.S. Marshals Service Improvement Act of 1995.

It is our hope that the conference report to S. 641, Ryan White CARE Reauthorization Act of 1995, will also be available next week.

Mr. Speaker, we should finish legislative business and have Members on their way home to their families by 6 p.m. on Thursday, May 2.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments. I have just one or two questions. Can the gentleman tell us if the House is expected to appoint conferees on the health care bill next week?

Mr. HASTERT. It is our intent that the health care conferees will be appointed next week.

Mr. BONIOR. I thank my friend. The second and final question I have is when will we consider, in light of the comments made by my friend from Minnesota, Mr. SABO, when will we consider the budget resolution?

Mr. HASTERT. We would hope that the budget bill will be marked up next week and considered the following week.

Mr. BONIOR. I thank my friend. I wish him a good weekend and good traveling.

Mr. HASTERT. Same to you, sir.

ADJOURNMENT TO MONDAY, APRIL 29, 1996

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, APRIL 30, 1996

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 29, 1996, it adjourn to meet at 12:30 p.m. on Tuesday, April 30, 1996, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PERMISSION TO AMEND REPORT ON H.R. 2406, UNITED STATES HOUSING ACT OF 1996

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent to amend Report No. 104–461, originally filed on February 1, 1996, to include Congressional Budget Office cost estimates for H.R. 2406, the United States Housing Act of 1996.

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

There was no objection.

104TH CONGRESS EARNING SHAMEFUL REPUTATION ON MINIMUM WAGE

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

Ms. MCKINNEY. Mr. Speaker, on Tuesday I sent this letter to Speaker GINGRICH urging him to hold a vote on a clean minimum wage increase. And today we learn that we will not even have the opportunity to vote on a dirty minimum wage increase.

I have my daughter here for the day, Shanterri Grier, and she is here at the Capitol with me. Every one of the Republican leaders has said that she does not deserve the right to earn a decent wage. Shame, shame, shame. This Congress is earning its reputation.

Conservative political analyst Kevin Phillips said the 104th Congress may be the worst in 50 years, and they are proving it today.

Mr. Speaker, the letter referred to earlier is included for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 1996.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR SPEAKER GINGRICH: As a member of the Georgia Congressional Delegation I feel

compelled to write you about the fast-eroding minimum wage and its impact on the working people of our State. I respectfully request that you permit the House of Representatives to vote on increasing the minimum wage, without attaching highly controversial riders that would only sabotage the proposed 90 cent increase.

It is my understanding, from numerous press reports, that you may schedule a vote to increase the minimum wage. However, I am dismayed to learn that you intend to attach numerous other provisions which would weaken worker protections and increase the deficit. I fail to see the purpose of undermining occupational safety and health standards and/or including tax cuts without offsets, when it is the tragically low minimum wage that needs to be addressed.

The false link you are creating between a minimum wage increase and a reduction in worker protections, is little more than a cynical ploy to convince people earning $8,400 a year that less safe working conditions are the price they must pay for a living wage. This Machiavellian approach is insensitive to the needs of thousands of working Georgians who struggle just to put food on the table.

As of 1994, 11.9% of Georgia's workforce was earning between $4.25 and $5.14 an hour. A 90 cent increase would help these nearly 362,000 people make ends meet. I have heard arguments from Republican leaders that raising the minimum wage would reduce jobs. However, numerous studies have shown little to no job loss when the minimum wage was raised—in some cases the number of jobs have increased. Moreover, an eminent group of 101 economists, including three Nobel Prize laureates, recently endorsed an increase in the federal minimum wage.

On behalf of working Georgians earning the minimum wage, I urge you to bring a clean minimum wage increase up for a vote on the floor of the House before the Memorial Day district work period.

Sincerely,

CYNTHIA MCKINNEY,
Member of Congress

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE END OF A LONG BUDGET PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it has been a very, very, very, very long journey. Last fall, in October 1995, this House was to have passed all of its appropriation bills so that the schools would be open, so that the environmental commitment we have made to the American people would be followed through, so that the homeless could be housed, and so, for example, this Government would not have closed during Thanksgiving and the Christmas holiday season of 1995.

But there is something to persistence. And although I abhorred the closing of the Government and the hurting of American families, and asked to stay through the Thanksgiving holidays and Christmas holidays so we would not shut the Government down, unfortunately, there are others, my Republican colleagues, who saw fit not to agree, that the American people wanted a commitment to education, the environment, to safe and drug free schools, the 100,000 police officers, and the Summer Jobs Program.

But, again, as I said, it has been a long journey, but there is something to persistence, and this debate that we have had on the omnibus appropriation bill should be chronicled in the appropriate manner, and that manner is to let you know that this was not an easy task. It was not an easy task to come from zero on the Summer Jobs Program, under allegations that all we were doing was just babysitting for youngsters who work and for the first time in their lives would have the opportunity to be exposed to good jobs, to understand what the working world is all about, and to develop the self-esteem and character building aspects of their lives so they would go into the work force. Just a few months ago that program was zeroed out.

There are colleagues like myself and the Democratic Caucus who persisted that our young people do count, and the Senate heard us, and the President heard us. And from a zero funding for summer youth employment, that would have cost the city of Houston some 6,000 summer jobs for youngsters, who use those moneys to in fact pay the rent and provide clothing and substance for their families during the summer months, and encourage them to return back to their schools in the fall.

I know that program, for I had a young lady work for me during the summer, a hot summer in Houston, who called the office first and said, ''I can't take this job. I can't come in.'' When we inquired, she said, ''I have no clothes to wear.'' We entreated her to say, ''If you have simply a paper bag to wear, it is important for you to come and understand what work is all about.''

That is what America is about. And this appropriations bill that we have passed, with the good help of those who believe in our young people, now has $625 million for our summer jobs.

Let me express the gratification for those conferees, those Democrats who persisted, the gentleman from Wisconsin [Mr. OBEY] who persisted continuously to insist that education is an important aspect of the lives of Americans. That is why title I was funded. That is why 88 percent of the education needs were funded. That is why the School to Work Program that has been applauded nationally by those individuals who applaud public schools and those who are detractors of public schools, every one of them believe in the School to Work Program, which allows young people to come out of high school and find an opportunity for work.

You know, we are always hearing accusations that Americans do not want to work, that they are slow in working, that they are not productive. And everywhere I have gone in the 18th Congressional District, they have reinforced the desire to work. But if they cannot find jobs or opportunity, or if someone says you have to go to college, that is the only way you can get to work, to support a family, then what do you have? The School to Work Program, a vital aspect of connecting Americans, high school graduates, to an effective work situation so they can be supported and independent Americans. That program was funded under this appropriation bill, because the Democrats continued to hold out to invest in America.

How grateful I am as a former city council member we continued to hold out, to see that 100,000 police officers get on our streets. You know, this is Victims Rights Week. It is tragic to be able to have to come and comfort the families of victims, families who have asked the question, why? Were they not in the right place? Were there not enough law enforcement, enough prisons?

Even when you talk to those families, they begin to understand that prevention is 9/10ths of it, and the presence of law enforcement on our streets is the other aspect of ensuring that people are not subject to criminal activity. And yet that program was not funded by Republicans.

☐ 1714

I will simply say, Mr. Speaker, that we have an omnibus appropriations bill that I wish could have been passed a couple months ago, but we now have police on the street, summer jobs, and education funding.

The SPEAKER pro tempore (Mr. FOLEY). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana 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 gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

[Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. KLINK] is recognized for 5 minutes.

[Mr. KLINK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

RECESS

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

Accordingly (at 5 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2045

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 8 o'clock and 45 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3019) ''An Act making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.''.

The message further announced that the Senate passed without amendment:

H. Con. Res. 166. Concurrent resolution authorizing the use of the Capitol Grounds for the Washington for Jesus 1996 prayer rally.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to: Mr. EWING (at the request of Mr. ARMEY), for April 25, 1996, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request):)

Mr. MANZULLO, today, for 5 minutes.

(The following Member (at his own request):)

Mr. DOGGETT, today, for 5 minutes.

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) and to include extraneous material:)

Mr. JACOBS.
Mr. DICKS.
Ms. JOHNSON of Texas.
Mr. VISCLOSKY.
Mr. LIPINSKI in three instances.
Mr. STARK.
Mr. MENENDEZ in three instances.
Mr. HAMILTON.
Mr. LAFALCE.
Mr. TOWNS.
Mr. FALEOMAVAEGA.
Mr. GORDON.
Mr. ROEMER.
Mr. LANTOS in three instances.
Mr. BARCIA.
Ms. SLAUGHTER.
Mr. DURBIN.

(The following Members (at the request of Mr. LAZIO) and to include extraneous matter:)

Mr. CAMPBELL.
Mr. HORN.
Mr. CAMP.
Mr. SAXTON.
Mr. QUINN.
Mr. WHITE.
Mr. GOODLING.
Mr. BUNNING of Kentucky.
Mr. MARTINI in two instances.
Mr. CRAPO.
Mrs. MORELLA.
Mr. DORNAN in two instances.
Mr. RAMSTAD.
Mr. WATTS of Oklahoma.
Mr. EWING.
Mr. ENGLISH of Pennsylvania.
Mr. TATE.

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mrs. MINK of Hawaii.
Mr. METCALF.
Ms. MOLINARI.
Mr. MOORHEAD.
Mr. PACKARD.
Mr. LAFALCE.
Mr. BECERRA.
Mr. GILLMOR.
Mr. SCAGGS.
Mr. MICA.
Mr. BAKER of California.
Mr. PASTOR.
Mr. GEJDENSON.
Ms. PELOSI.
Mr. JOHNSON of South Dakota.
Mr. TORRES.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3019. An act making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

H.R. 3055. An act to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.J. Res. 175. A joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

ADJOURNMENT

Mr. HORN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until Monday, April 29, 1996, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various miscellaneous delegations of the House of Representatives during the 1995 calendar year, as well as reports of various committees and miscellaneous groups of the House of Representatives concerning foreign currencies and U.S. dollars utilized for official foreign travel during the 1st quarter of 1996, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, BRITISH-AMERICAN PARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1995 [3]

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation Expenses:											
Representational function [4]									178.00		178.00
Committee total									178.00		178.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] No conference between the House and the British Parliament was held during 1995.
[4] Reception for a delegation of the BAPG on May 23, 1995.

DOUGLAS BEREUTER, Mar. 5, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE EUROPEAN PARLIAMENT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Laura Rush [3]	7/10	7/12	United States		416.26		231.00				647.26
Delegation expenses:											
Representational functions									34,025.79		34,025.79
Ground transportation							300.00				300.00
Translation/interpretation									4,200.00		4,200.00
Committee total					416.26		531.00		38,225.79		39,173.05

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Advance trip—Nebraska.

BEN GILMAN, Mar. 11, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO-U.S. INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Jim Kolbe	4/22	4/23	Mexico				680.95				680.95
	5/12	5/14	United States		320.86		(3)				320.86
Hon. Cass Ballenger	5/12	5/14	United States		320.86		(3)				320.86
Hon. Sam Brownback	5/12	5/13	United States		162.35		(3)				162.35
Hon. Ronald D. Coleman	5/12	5/14	United States		330.86		(3)				330.86
Hon. E de la Garza	5/12	5/14	United States		352.15		(3)				352.15
Hon. David Dreier	5/12	5/14	United States		328.06		(3)				328.06
Hon. Bob Filner	5/12	5/14	United States		331.41		(3)				331.41
Hon. Mark Adam Foley	5/12	5/14	United States		351.68		(3)				351.68
Hon. Benjamin A. Gilman	5/12	5/14	United States		320.86		462.00				782.86
Hon. Charles B. Rangel	5/12	5/14	United States		379.93		(3)				379.93
Hon. Matt Salmon	5/12	5/14	United States		333.77		(3)				333.77
Michael Boyd	5/11	5/14	United States		534.71		203.10				737.81
Xavier Equihua	5/12	5/14	United States		331.06		409.00		121.00		861.06
Laurie Fenton	5/11	5/14	United States		617.14		403.00				1,020.14
Shelley Livingston	4/10	4/13	United States		699.46		403.00				1,102.46
	5/10	5/14	United States		802.81		222.00		22.00		1,046.81
John Mackey	5/12	5/14	United States		353.45		(3)				353.45
Jatinder Mundey	5/12	5/14	United States		325.70		(3)				325.70
Roger Noriega	5/12	5/14	United States		320.86		(3)				320.86
Terree Wasley	5/12	5/13	United States		70.31						70.31
Daniel Restrepo	5/12	5/14	United States		332.95		(3)				332.95
Delegation expenses:											
Representational functions									39,630.72		
Translating/interpreting									11,329.73		
Miscellaneous									450.05		51,419.50
Committee total					7,912.24		2,783.05		51,562.50		62,266.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM KOLBE, Mar. 29, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Representational functions									24,710.45		24,710.45
Committee total									24,710.45		24,710.45

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Apr. 8, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, U.S.-CANADA INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Kika de la Garza	5/18	5/20	Canada		228.65		(3)				228.65
Commercial airfare							467.18				467.18
Sam Gibbons	5/18	5/22	Canada		432.42		(3)				432.42
Hon. Harry Johnston	5/18	5/22	Canada		433.24		(3)				433.24
Hon. Don Manzullo	5/18	5/22	Canada		434.15		(3)				434.15
Hon. Louise Slaughter	5/18	5/22	Canada		430.77		(3)				430.77
Tracy Hart	5/18	5/22	Canada		430.77		(3)				430.77
Francis Record	5/18	5/22	Canada		444.45		(3)				444.45
David Weiner	5/18	5/22	Canada		441.15		(3)				441.15
Delegation expenses:											
Inflight expenses									91.32		91.32

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, U.S.-CANADA INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1995—Continued

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Committee total					3,275.60		467.18		91.32		3,834.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DONALD A. MANZULLO, Mar. 6, 1996

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1996

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mary Sue Englund	2/22	2/25	Panama		556.00		650.95				1,206.95
Committee total					556.00		650.95				1,206.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Apr. 9, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1996

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kristi Walseth	2/18	2/22	Romania		1,700						1,700
	2/22	2/24	Slovakia								
Commercial airfare							2,806.25				2,806.25
Committee total					1,700		2,806.25				4,506.25

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JERRY SOLOMON, Chairman, Apr. 9,1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1996

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. F. James Sensenbrenner	1/7	1/8	France		326.00						326.00
	1/8	1/9	Russia		338.00						338.00
Commercial airfare							3,423.35				3,423.35
Nicolas A. Fuhrman	1/7	1/8	France		326.00						326.00
	1/8	1/9	Russia		338.00						338.00
Commercial airfare							3,423.35				3,423.35
Richard M. Obermann	1/7	1/8	France		326.00						326.00
	1/8	1/9	Russia		338.00						338.00
Commercial airfare							3,423.35				3,423.35
Committee total					1,992.00		10,270.05				12,262.05

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT S. WALKER, Chairman, Apr. 15, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1996

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Angela Ellard	2/13	2/17	Switzerland		968.45						968.45
Commercial airfare							782.15				782.15
Hon. Sam Gibbons	2/19	2/22	Mexico		225.00						225.00
Commercial airfare							685.95				685.95
Committee Total					1,193.45		1,468.10				2,661.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL ARCHER, Chairman, Apr. 22, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 12 AND FEB. 20, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency[2]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[2]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[2]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[2]	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 12 AND FEB. 20, 1996—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency[2]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[2]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[2]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency[2]	U.S. dollar equivalent or U.S. currency[2]
	2/17	2/20	Belgium		999.00		[3]				2,332.00
Hon. Tom Bliley	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Hon. Jan Meyers	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Hon. Herb Bateman	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Hon. Michael Bilirakis	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Hon. Paul Gillmor	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Hon. Dennis Hastert	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Hon. Charlie Rose	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Hon. Pat Schroeder	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Hon. Ron Coleman	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
John Herzberg	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Jo Weber	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Michael Ennis	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Ronald Lasch	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
David Hobbs	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Scott Palmer	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
James Doran	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Linda Pedigo	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		([3])				2,332.00
Committee total					41,976.00						41,976.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency[2] is used, enter U.S. dollar equivalent; if U.S. currency[2] is used, enter amount expended.
([3]) Military air transportation.

DOUGLAS BEREUTER, Apr. 8, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 29 AND MAR. 31, 1996

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Doug Bereuter	3/29	3/31	Canada		304.00		([3])				304.00
Hon. Tom Bliley	3/29	3/31	Canada		304.00		([3])				304.00
John Herzberg	3/29	3/31	Canada		304.00		([3])				304.00
Commercial air fare							187.00				187.00
Committee total					912.00		187.00				1,099.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DOUG BEREUTER, Apr. 8, 1996.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2520. A letter from the general sales manager and vice president, Commodity Credit Corporation, transmitting the annual report on monetization programs for U.S. fiscal year 1994, pursuant to 7 U.S.C. 1431(b)(9)(B); to the Committee on Agriculture.

2521. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the Tinker Air Force Base, OK, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2522. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, transmitting notification of a Department of the Navy outsourcing study, pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

2523. A letter from the Secretary of Defense, transmitting the annual report of the Reserve Forces Policy Board for fiscal year 1995, pursuant to 10 U.S.C. 113(c), (e); to the Committee on National Security.

2524. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Deletion of the Lee's Lane Superfund Site from the National Priorities List (FRL–5458–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2525. A letter from the Director, Office of Regulatory Management and Information,

Environmental Protection Agency, transmitting the Agency's final rule—Deletion of the Kummer Sanitary Landfill Superfund Site from the National Priorities List (FRL–5460–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2526. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Deletion of the Amnicola Dump Superfund Site from the National Priorities List (FRL–5461–3), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2527. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee Request for Approval of Section 112(1) Authority (FRL–5458–7), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2528. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ohio SIP. Revision for Ozone (FRL–5450–5), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2529. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Florida SIP. Amendments to the Federally Enforceable State Operating Permit Program for Perchloroethylene Dry Cleaning Facilities (FRL–5444–4), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2530. A letter from the Director, Office of Regulatory Management and Information, Environmetal Protection Agency, transmitting the Agency's final rule—California; San Joaquin Valley Unified Air Pollution Control District (FRL–5460–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2531. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Alabama Authorization of Revisions for Hazardous Waste Management Program (FRL–5459–2), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2532. A letter from the Director Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—North Carolina Authorization of Revisions for Hazardous Waste Management Program (FRL–5459–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2533. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Kentucky Authorization of Revisions for Hazardous Waste Management Program (FRL–5461–5), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2534. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—South Carolina Authorization of Revisions for Hazardous Waste Management Program (FRL–5461–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2535. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Volatile Organic Compound Regulations for Oklahoma (FRL–5438–4), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2536. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision C(92)39 Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations (FRL–5447–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2537. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval Source-Specific VOC and NOX RACT and Synthetic Minor Permit Conditions, and 1990 Baseyear Emissions for One Source (FRL–5442–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2538. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Illinois Motor Vehicle Inspection and Maintenance (FRL–5434–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2539. A letter from the Chair, Federal Energy Regulatory Commission, transmitting the Commission's major rules—Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities (Docket No. RM95–8–000), Recovery of Stranded Costs by Public Utilities and Transmitting Utilities (Docket No. RM94–7–001), and Open Access Same-time Information System [OASIS] and Standards of Conduct (Docket No. RM95–9–000) also a proposed rulemaking—Capacity Reservation Open Access Transmission Tariffs (Docket No. RM96–11–000), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2540. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–16–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2541. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department of State intends to provide training to Bosnia and Herzegovina under the auspices of the Antiterrorism Assistance Program [ATA], pursuant to 22 U.S.C. 2349aa–3(a)(1); to the Committee on International Relations.

2542. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled ''Comparative Analysis of Costs of Selected Programs of the District of Columbia Government and Other Jurisdictions,'' pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

2543. A letter from the Secretary of Energy, transmitting the Department's annual report to the Congress on activities of the Department of Energy in response to recommendations and other interactions with the Defense Nuclear Facilities Safety Board, pursuant to 42 U.S.C. 2286e(b); jointly, to the Committees on National Security and Commerce.

2544. A letter from the Secretary of Treasury, transmitting the Department's annual report on financial market coordination and regulatory activities to reduce risks in the financial system in 1994 and 1995, pursuant to Public Law 101–432, section 8(b) (104 Stat. 976); jointly, to the Committees on Commerce, Banking and Financial Services, and Agriculture.

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. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 2406. A bill to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes (Rept. 104–461 Pt. 2).

Mr. LIVINGSTON: Committee of conference. Conference report on H.R. 3019. A bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes (Rept. 104–537). Ordered to be printed.

Mr. SOLOMON: Committee on Rules. House Resolution 415. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes (Rept. 104–538). Referred to the House Calendar.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 2570. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997, 1998, 1999, 2000, and 2001, and for other purposes; with an amendment (Rept. 104–539). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1663. A bill to amend the Waste Isolation Pilot Plant Land Withdrawal Act; with an amendment (Rept. 104–540 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1663. Referral to the Committee on National Security extended for a period ending not later than June 14, 1996.

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, Mr. MONTGOMERY, Mr. DUNCAN, Mr. WAMP, Mr. HILLEARY, Mr. CLEMENT, Mr. GORDON, Mr. BRYANT of Tennessee, Mr. TANNER, Mr. FORD, Mr. SOLOMON, Mr. PARKER, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. SPENCE, Mr. HUTCHINSON, Mr. EVERETT, Mr. BUYER, Mr. QUINN, Mr. BACHUS, Mr. STEARNS, Mr. NEY, Mr. FOX, Mr. FLANAGAN, Mr. BARR, Mr. WELLER, Mr. HAYWORTH, Mr. COOLEY, Mr. SCHAEFER, Mr. EVANS, Mr. KENNEDY of Massachusetts, Mr. EDWARDS, Mr. FILNER, Mr. TEJEDA, Mr. GUTIERREZ, Mr. BAESLER, Mr. BISHOP, Mr. CLYBURN, Ms. BROWN of Florida, Mr. DOYLE, and Mr. MASCARA):

H.R. 3320. A bill to name the Mountain Home Department of Veterans Affairs medical center in Johnson City, TN, as the ''James H. Quillen Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. WELLER:

H.R. 3321. A bill to amend title 38, United States Code, to expand the authority of the Secretary of Veterans Affairs to enter into sharing agreements relating to use of health

care resources; to the Committee on Veterans' Affairs.

By Mr. WALKER (for himself, Mr. SENSENBRENNER, Mrs. MORELLA, Mr. ROHRABACHER, and Mr. SCHIFF):

H.R. 3322. A bill to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes; to the Committee on Science, and in addition to the Committees on Resources, Transportation and Infrastructure, and National Security, 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. BECERRA (for himself, Mr. PASTOR, Mr. DIAZ-BALART, Mr. SERRANO, Ms. VELAZQUEZ, Mr. TORRES, Ms. ROYBAL-ALLARD, Mr. RICHARDSON, Mr. MARTINEZ, Mr. BERMAN, Ms. LOFGREN, Mr. FARR, Mr. MATSUI, Ms. WATERS, Mrs. MINK of Hawaii, Mr. GREEN of Texas, Mr. FILNER, Mr. TEJEDA, Mr. ORTIZ, Mr. ROMERO-BARCELO, Mr. DE LA GARZA, Mr. GUTIERREZ, Mr. UNDERWOOD, Mr. CONYERS, Mr. NADLER, Mr. SCHUMER, Mr. MCDERMOTT, Ms. ROS-LEHTINEN, and Mr. WATT of North Carolina):

H.R. 3323. A bill to promote the naturalization of eligible individuals by making the administration of oaths of allegiance more efficient, improving the dissemination of information about eligibility and requirements for naturalization, making grants for citizenship preparation, and requiring the Attorney General periodically to consult with appropriate private organizations, and for other purposes; to the Committee on the Judiciary.

By Mr. TIAHRT (for himself, Mr. LEWIS of Kentucky, Mr. TALENT, Mr. GRAHAM, Mr. LIPINSKI, Mr. COOLEY, Mr. LARGENT, Mr. STOCKMAN, Mr. COBURN, Mr. GUTKNECHT, Mr. HUTCHINSON, Mr. BARTLETT of Maryland, Mr. EMERSON, and Mr. SOUDER):

H.R. 3324. A bill to amend the General Educations Provisions Act to allow parents access to certain information; to the Committee on Economic and Educational Opportunities.

By Mr. BRYANT of Tennessee:

H.R. 3325. A bill to provide certain technical assistance to the Chickasaw Basin Authority; to the Committee on Agriculture.

By Mr. CRAPO:

H.R. 3326. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. FALEOMAVAEGA:

H.R. 3327. A bill to amend title 10, United States Code, to provide that U.S. nationals should be eligible for advanced training in, and for financial assistance as members of, the Senior Reserve Officers' Training Corps; to the Committee on National Security.

By Mr. GORDON:

H.R. 3328. A bill to amend title 18, United States Code, to prohibit sports agents from influencing college athletes; to the Committee on the Judiciary.

By Mr. HILLIARD:

H.R. 3329. A bill to amend the Internal Revenue Code of 1986 to increase the amount which may be expensed with respect to certain depreciable business assets; to the Committee on Ways and Means.

H.R. 3330. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. MORELLA, Mr. HAYES, Mr. GREEN of Texas, Ms. WATERS, Mr. HILLIARD, Mrs. MEEK of Florida, Mr. FROST, Mrs. CLAYTON, Ms. LOFGREN, Ms. NORTON, Mr. FRAZER, Mr. THOMPSON, Mr. TOWNS, Miss COLLINS of Michigan, Mr. EVANS, and Mrs. KENNELLY):

H.R. 3331. A bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health with respect to research and related activities concerning osteoporosis and related bone diseases; to the Committee on Commerce.

By Ms. MCKINNEY:

H.R. 3332. A bill to amend the Internal Revenue Code of 1986 to increase the child care credit and eliminate the exclusion of certain income of and the special dividends received deduction with respect to foreign sales corporations; to the Committee on Ways and Means.

H.R. 3333. A bill to amend the Internal Revenue Code of 1986 to reduce by 50 percent certain tax benefits allowable to profitable large corporations which make certain workforce reductions; to the Committee on Ways and Means, and in addition to the Committee on International Relations, and Banking and Financial Services, 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. MICA (for himself, Mr. RANGEL, Mr. SOUDER, and Mr. ZELIFF):

H.R. 3334. A bill to amend the Communications Act of 1934 to require broadcasters to participate in drug and substance abuse information and education efforts as part of their public service obligations; to the Committee on Commerce.

By Ms. MOLINARI:

H.R. 3335. A bill to make certain administrative reforms relating to the Federal Railroad Administration and to make further improvements to the laws governing railroad safety; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 3336. A bill to provide for temporary authority to waive the reduction for early retirement under the Civil Service Retirement System to assist the District of Columbia government in its work force downsizing efforts, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. RAMSTAD (for himself, Mr. HOUGHTON, Mr. GUTKNECHT, Mr. KOLBE, Mr. PASTOR, Mr. EWING, Mr. MANTON, Mr. VENTO, and Mr. LUTHER):

H.R. 3337. A bill to extend certain Medicare community nursing organization demonstration projects; to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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. ROBERTS (for himself, Mr. EMERSON, Mr. DE LA GARZA, and Mr. CONDIT):

H.R. 3338. A bill to reform antimicrobial pesticide registration, and for other purposes; to the Committee on Agriculture.

By Mr. SKAGGS:

H.R. 3339. A bill to designate certain lands in Rocky Mountain National Park as wilderness, and for other purposes; to the Committee on Resources.

By Mr. SMITH of Michigan:

H.R. 3340. A bill to amend the National Flood Insurance Act of 1968 to provide for corrections to flood maps erroneously including certain areas within a special flood hazards area; to the Committee on Banking and Financial Services.

By Mr. SOLOMON:

H.R. 3341. A bill to amend the Controlled Substances Act to provide an enhanced penalty for distributing a controlled substance with the intent to facilitate a rape or sexual battery; to the Committee on the Judiciary, and in addition to the Committee on Commerce, 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. STARK:

H.R. 3342. A bill to amend the Internal Revenue Code of 1986 to assist in assuring health coverage for workers over 55 who leave employment; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. ARMEY, Mr. SHADEGG, Mr. STUMP, Mr. WELDON of Florida, and Mr. NORWOOD):

H.R. 3343. A bill to amend the Internal Revenue Code of 1986 to repeal the withholding of income taxes and to require individuals to pay estimated taxes on a monthly basis; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 3344. A bill to authorize the conveyance of the Coast Guard Presque Isle Light Station to Presque Isle Township, Presque Isle County, MI; to the Committee on Transportation and Infrastructure.

By Mr. TATE (for himself, Mr. GIBBONS, Mr. BREWSTER, Mrs. SMITH of Washington, Mr. STARK, Mr. PETE GEREN of Texas, Mr. MEEHAN, Mr. ENGLISH of Pennsylvania, Mr. CASTLE, Mr. BAKER of Louisiana, Mr. FIELDS of Texas, Mr. COLEMAN, Mr. BARTON of Texas, Mr. GREENWOOD, Mr. BENTSEN, Mr. BAKER of California, Mr. FRANKS of New Jersey, Mr. FRANK of Massachusetts, Mr. WAMP, Mr. CHAPMAN, Mr. ZIMMER, Mr. THOMPSON, Mr. HOEKSTRA, Mr. LIVINGSTON, Ms. GREENE of Utah, Mr. DAVIS, Mr. MORAN, Mrs. VUCANOVICH, Mr. BLUTE, Mr. SAM JOHNSON, Mr. FRELINGHUYSEN, Mr. FOGLIETTA, Mrs. LOWEY, Mr. LOBIONDO, Mr. STENHOLM, Mr. GREEN of Texas, Mr. HORN, Mr. LEWIS of California, Mr. SHUSTER, Mr. CHABOT, Mr. MONTGOMERY, Mr. CLINGER, Mr. ACKERMAN, Mr. BONILLA, Mr. ENSIGN, Mr. MOORHEAD, Mr. MCCRERY, Mr. MICA, Mr. ZELIFF, Mr. SHAYS, Mr. MILLER of Florida, Mr. SMITH of New Jersey, and Mr. HILLEARY):

H.R. 3345. A bill to amend the Internal Revenue Code of 1986 to reduce the tax incentives for the production of alcohol for fuel use; to the Committee on Ways and Means.

By Mrs. THURMAN (for herself, Ms. BROWN of Florida, Mr. FOLEY, Mr. BILIRAKIS, Mr. HASTINGS of Florida, Mr. MILLER of Florida, Mr. MICA, Mr. CANADY, and Mr. WELDON of Florida):

H.R. 3346. A bill to require the Secretary of Veterans Affairs to develop a plan for allocation of health care resources by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. VENTO (for himself, Mr. GONZALEZ, and Mr. KENNEDY of Massachusetts):

H.R. 3347. A bill to amend the Stewart B. McKinney Homeless Assistance Act to revise and extend programs providing urgently needed assistance for the homeless, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. FAZIO of California:

H. Res. 414. Resolution designating minority membership on certain standing committees of the House. Considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. MARTINI.
H.R. 294: Mr. WAXMAN and Mr. GUTIERREZ.
H.R. 351: Mr. KIM, Mr. ARCHER, Mr. PACKARD, and Mr. SOUDER.
H.R. 561: Mr. WATT of North Carolina and Mr. MCDERMOTT.
H.R. 661: Mr. CAMPBELL.
H.R. 820: Mr. ORTON, Ms. PELOSI, Mrs. MALONEY, Mr. MCHALE, and Mr. BERMAN.
H.R. 911: Mr. LAZIO of New York.
H.R. 969: Mr. FARR.
H.R. 972: Mr. FUNDERBURK.
H.R. 1127: Ms. GREENE of Utah.
H.R. 1161: Mr. FROST.
H.R. 1210: Mr. MARTINI.
H.R. 1328: Mr. KLINK.
H.R. 1363: Mr. MOORHEAD and Mr. ROYCE.
H.R. 1386: Ms. PRYCE, Mr. SCARBOROUGH, Mr. BURR, and Ms. GREENE of Utah.
H.R. 1406: Mr. LAFALCE.
H.R. 1416: Mr. BONIOR, Mr. MEEHAN, and Mr. CARDIN.
H.R. 1618: Mr. FUNDERBURK, Mr. GRAHAM, Mr. WELDON of Florida, Mr. HEINEMAN, Mr. TATE, Mrs. CHENOWETH, and Mr. HILLEARY.
H.R. 1619: Mr. PALLONE.
H.R. 1711: Mr. KINGSTON.
H.R. 1758: Mr. BORSKI, Mr. EVANS, and Mr. DEFAZIO.
H.R. 1776: Mr. PAYNE of Virginia, Mrs. THURMAN, Mr. FALEOMAVAEGA, and Mr. MINGE.
H.R. 1797: Mr. RANGEL.
H.R. 1883: Mr. SCHAEFER and Mr. LAUGHLIN.
H.R. 1998: Mr. FUNDERBURK.
H.R. 2066: Mr. PACKARD, Mr. KNOLLENBERG, Mr. TOWNS, Mr. STUMP, Mr. WELDON of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. GREEN of Texas, Mr. RAHALL, and Mrs. ROUKEMA.
H.R. 2090: Mr. SALMON.
H.R. 2138: Mr. HOUGHTON, Mr. RAHALL, Mr. ZIMMER, and Mr. SMITH of Texas.
H.R. 2247: Ms. DELAURO, Ms. FURSE, Mr. JOHNSON of South Dakota, Mrs. KELLY. Mr. NEAL of Massachusetts, and Mr. TORKILDSEN.
H.R. 2270: Mr. EHRLICH.
H.R. 2320: Mr. HAYWORTH, Mr. ZIMMER, Mr. HUTCHINSON, and Mr. SALMON.
H.R. 2391: Mr. SHAYS and Mrs. MYRICK.
H.R. 2548: Mr. SPRATT and Mr. HOLDEN.
H.R. 2551: Mr. CAMPBELL.
H.R. 2617: Mr. GREENWOOD.
H.R. 2651: Mr. WAXMAN.
H.R. 2655: Mr. ZIMMER.
H.R. 2676: Mr. JOHNSON of South Dakota.
H.R. 2683: Mrs. LOWEY and Mrs. KELLY.
H.R. 2751: Mr. BENTSEN.
H.R. 2757: Mr. BROWN of Ohio and Mr. YATES.
H.R. 2807: Mr. CHRYSLER, Mr. FROST, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. PASTOR, Ms. DANNER, Mr. QUINN, Mr. NEAL of Massachusetts, Ms. NORTON, and Mr. KOLBE.
H.R. 2818: Mr. ENGEL.
H.R. 2900: Mr. FRANKS of Connecticut, Mr. BILBRAY, Mr. TAYLOR of Mississippi, Mr. SKEEN, Mr. FILNER, and Mr. LEWIS of Georgia.
H.R. 2912: Ms. RIVERS.
H.R. 2927: Mr. BAKER of Louisiana, Mr. STOCKMAN, and Mr. ROHRABACHER.
H.R. 2958: Mr. EHLERS.
H.R. 2976: Mr. DAVIS and Ms. GREENE of Utah.
H.R. 2991: Mr. EVANS.
H.R. 2992: Mr. HAYWORTH.
H.R. 2994: Mr. ORTON, Ms. DELAURO, Mr. KILDEE, Mr. BROWN of Ohio, and Mr. EHLERS.
H.R. 3002: Mr. BUYER.
H.R. 3003: Ms. ROYBAL-ALLARD, Mr. VENTO, Mr. EVANS, and Mr. HINCHEY.
H.R. 3043: Mr. EHLERS.
H.R. 3053: Mr. MEEHAN.
H.R. 3067: Mr. MARTINEZ, Mr. STARK, and Mr. EVANS.
H.R. 3079: Mrs. MEEK of Florida.
H.R. 3083: Mr. CALVERT and Mr. ROHRABACHER.
H.R. 3100: Mr. LARGENT.
H.R. 3119: Mr. DE LA GARZA, Mr. STUPAK, and Mr. MCCRERY.
H.R. 3124: Mr. HINCHEY.
H.R. 3139: Mr. KING, Mr. FRISA, Mr. OWENS, Mr. HOUGHTON, Mr. NADLER, Mrs. LOWEY, Ms. VELAZQUEZ, Ms. SLAUGHTER, Mr. LAFALCE, Mr. QUINN, and Mr. PAXON.
H.R. 3150: Mr. GONZALEZ, Mr. FRAZER, Ms. NORTON, Mr. UNDERWOOD, Ms. LOFGREN, and Mr. FROST.
H.R. 3153: Mr. CAMP and Mr. COOLEY.
H.R. 3161: Mr. LANTOS.
H.R. 3167: Ms. FURSE.
H.R. 3180: Mr. BENTSEN, Mr. LIPINSKI, and Mr. FAZIO of California.
H.R. 3167: Ms. WOOLSEY, Mr. KENNEDY of Massachusetts, Mr. FARR, Mr. STUPAK, and Mr. BORSKI.
H.R. 3195: Mr. WATTS of Oklahoma and Mr. NORWOOD.
H.R. 3224: Mr. BAKER of Louisiana and Mr. ENGLISH of Pennsylvania.
H.R. 3226: Ms. GREEN of Utah and Mrs. KELLY.
H.R. 3236: Mr. DICKEY.
H.R. 3246: Mr. FATTAH.
H.R. 3253: Mr. STUMP.
H.R. 3267: Mr. THOMPSON and Mr. HAMILTON.
H.R. 3286: Mr. BLUTE.
H.R. 3294: Mr. LANTOS.
H.J. Res. 70: Ms. FURSE.
H.J. Res. 90: Mr. QUILLEN.
H.J. Res. 164: Mr. PACKARD.
H. Con. Res. 10: Mr. BARRETT of Nebraska.
H. Con. Res. 47: Mr. GEKAS and Mr. ENSIGN.
H. Con. Res. 83: Mr. VENTO.
H. Con. Res. 145: Mr. FUNDERBURK.
H. Con. Res. 156: Mr. RANGEL, Mr. ENGLISH of Pennsylvania, Mrs. KELLY, Mr. SCOTT, Mr. EVANS, and Mr. PALLONE.
H. Res. 49: Mr. LANTOS.
H. Res. 359: Mr. CALVERT.
H. Res. 385: Ms. DANNER and Mr. JEFFERSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1202: Mr. PETERSON of Florida.
H.R. 1972: Mr. TOWNS.
H.R. 2535: Mr. CHAMBLISS.
H.R. 2723: Mr. BISHOP.
H.R. 3024: Mr. TOWNS.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mrs. SMITH of Washington on House Resolution 373: John Elias Baldacci, Scott L. Klug, Bruce F. Vento, and Tom Campbell.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, THURSDAY, APRIL 25, 1996 No. 55

Senate

The Senate met at 8:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, by Your grace You guided the founding of this Nation to be a demonstration of democracy under Your sovereignty. We praise You for Your timely inspiration and interventions all through our history. Our motto, ''In God we trust,'' and our affirmation, ''One Nation under God,'' express our sure confidence and the source of our courage.

As we begin the work of this Senate today, we commit ourselves anew to You. We thank You for the privilege of pressing forward to the next phases of Your vision for our beloved Nation. We open our minds to think Your thoughts. Give us Your perspective on the problems we face and Your power to solve them.

Help the Senators to listen to one another so that their debate on issues will be a dialog leading to creative resolutions combining the best of supernatural wisdom that You provide through many minds.

Bless the entire Senate family engaged in so many different tasks today to enable the work of the Senate to be done effectively. Make each person sense Your presence, encouragement, and strength. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from Rhode Island is recognized.

SCHEDULE

Mr. CHAFEE. Mr. President, on behalf of the majority leader, let me say there will be a period of morning business until the hour of 10 o'clock. At 10 o'clock, the Senate will resume consideration of S. 1664, the immigration bill, with Senator SIMPSON to be recognized to offer an amendment.

Rollcall votes can be expected throughout the day on the immigration bill. It is the hope of the majority leader that we may complete action on that bill, the immigration bill, during today's session. It is also possible for the Senate to consider the omnibus appropriations conference report if that measure becomes available.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. BURNS). Under the previous order, there will now be a period for morning business.

Mr. CHAFEE. Mr. President, I believe that Senator BREAUX and I have an hour of morning business starting now.

The PRESIDING OFFICER. The Senator is correct.

BALANCED BUDGET COMPROMISE

Mr. CHAFEE. Mr. President, 4 months ago Senator BREAUX and I asked a small group of our colleagues to get together on a bipartisan basis to discuss how we might reenergize the stalled negotiations on a balanced budget. At that time neither the White House nor the congressional budget negotiators were making the compromises necessary to reach a final balanced budget agreement.

You may recall, Mr. President, at that time there could not even be agreement on what economic assumptions were to be used as the starting point.

In advancing our efforts, Senator BREAUX and I hoped to demonstrate to the Republican congressional leadership and to the White House, the administration, that a group of Senators—Democrats and Republicans, from the middle of the political spectrum—were willing to set aside partisanship to reach a balanced budget agreement. We strongly believe that the single most important action that this Congress can take for the benefit of our Nation is balancing the budget.

The members of our group come to this effort with a wide range of perspectives on how we ought to solve the budgetary problems. Each of us, if left to our own devices, might come up with a different balanced budget agreement than the one we arrived at. But nonetheless, all of us made concessions and compromises in order to forge our plan.

This chart shows the problem that faces the Nation. And by the way, these figures come from the Congressional Budget Office. That is the official group that provides budget projections to this body. These are not the administration's figures, they come from our own budget office. Here is the deficit today, somewhere around $140 billion. Left unchecked, it will increase each and every year, until in the year 2006, which is only 10 years from now, Mr. President, it is projected to exceed $400 billion.

Those are the bills that we are sending to our children because we refuse to take the steps that are necessary to balance this budget.

Senator BREAUX and I and our group of some 22 Senators, 11 Republicans and 11 Democrats, have come up with a proposal, and this chart compares the different plans. The first column is the Chafee-Breaux plan. The second is what the leadership of the Republican Party has presented. The third is what the administration has presented.

It is a fairly busy chart so I will not go into all the details, but I will point

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

Printed on recycled paper.

out one distinct feature in our approach that is different from the others' approach, and that is discretionary spending.

What is discretionary spending? Discretionary spending is all the normal things that occur in the budget—defense, libraries, the FBI, highways, the payment for the State Department and our Ambassadors around the world, all of those normal things. You will see that we believe we can save out of this category $268 billion over the next 7 years.

How do we do that? We do that by some very, very tough measures. We say that the spending in discretionary will be frozen for the next 7 years, without any increases for inflation. That is tough medicine, and we think that is as far as we can go, and it is unrealistic to suggest that savings can be achieved above and beyond this level.

But here you will see the administration and, indeed, the Republican proposals go way beyond that. We consider that totally unrealistic, and that when the appropriations bills come up in 1998 and 2000 and 2002, Congress will not make those cuts and we will not realize these savings.

The point I am making here is the Chafee-Breaux plan is a realistic proposal, whereas the other budgets in this particular area are totally unrealistic.

So how do we make up the money? Others save, as we see in the Republican proposal, nearly $100 billion more than we do. And we do it with an item that you will see at the bottom of this chart called the Consumer Price Index.

What is the Consumer Price Index? The Consumer Price Index is used as an estimate of what inflation is for the year. And the Consumer Price Index, according to studies that have been made, overstates inflation. In other words, the estimate of the inflation for the year is too high. It is not accurate. And we recognize that. So we make a modest correction in the Consumer Price Index as follows: We lower the Consumer Price Index by five-tenths of 1 percent in the first 2 years and by three-tenths of 1 percent in every year thereafter. Indeed, the Advisory Committee to Study the Consumer Price Index, which was established by the Finance Committee to study this issue, has said that the Consumer Price Index is overstated by as much as 2 percentage points. The Commission's range of overstatement is between seven-tenths of 1 percent and 2 percent. So we take a more conservative approach. We do not go as far as they do. We are not as tough, if you would. We say we will only reduce it by 0.5 in the first 2 years and 0.3 thereafter.

That is a very, very important step, because when you deal with the inflation index and take the steps that we have taken in the Consumer Price Index by reducing it by a very modest amount, that yields tremendous savings in the outyears. So this is not a budget that we presented that only just squeaks into balance in the year 2002 and then the lid comes off in future years; not at all. This is a budget that is going to produce these savings in future years as well, and the country will thus be in balance, not only in the year 2002, but 2003, 2004, and the outyears as well.

Some of these steps are tough steps. The only way these savings can be achieved, particularly in the Consumer Price Index, is through a bipartisan effort. We feel very, very strongly that now is the time. Now is the time for the Senate to set the pace, to set the standards and to adopt a budget that will achieve balance.

Others will be talking on particular features of our plan as we go along, but I want to take this opportunity to thank every Senator, all 22 Senators who participated in this effort. Each of them showed his or her commitment to solving this problem. We are driven by the fact we do not want to continue to send bills for expenditures we are making to our children and our grandchildren.

In particular, I thank Senator JOHN BREAUX, who has been tremendous in his dedication to this effort. Without his participation and his leadership, this would have failed a long time ago. So, for his unswerving dedication and invaluable leadership, I thank him. He deserves a tremendous amount of credit.

Mr. President, there will be other speakers.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I think we have an agreement of the allocation of 1 hour, perhaps half and half. Under that, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. BREAUX. Mr. President, I want to start by recognizing my good friend and colleague, Senator CHAFEE. He was very kind and generous in his remarks about my role. I would say exactly the same thing for Senator CHAFEE. He and I have worked together because I think we were able to put aside partisanship, and we were able to say there are a number of Senators, a large number of Senators, who really do want to work in a bipartisan fashion for what is good for this country. I think, really, the majority of all Senators feel that way.

I particularly want to say to Senator CHAFEE, it is because of his leadership on the Republican side of the aisle that our organization was possible. Without his help, it would not have been possible. It is just that simple. He has taken some very courageous stands. I think all Members of this body should applaud him for that.

They said it could not be done. They said it was impossible, particularly in an election year, when a third of this body was up for election and when both parties have candidates who are now running for the Presidency of the United States. It was said it was absolutely impossible that Members of the Congress, Members of the Senate, could come together in a bipartisan fashion and put together a product that actually balanced the budget in a 7-year period, a budget that would be scored by the Congressional Budget Office in a way that everybody can agree with the figures.

It was said that it could not be done because this is a political year and people fight over these things. They sometimes say the best way to win the political battle is to blame the other side for not doing enough. We have a centrist coalition of 22 Senators, bipartisan in nature, who said that is not the way we want this body to govern. We do want to work toward a balanced budget, and we know it cannot come just from the left nor can it come just from the right; that any kind of agreement on the big problems of the day has to come from working from the center out, by forming centrist coalitions in the middle that gradually build up enough support to become a majority.

That is exactly what we have been able to do. How many times have we gone back to our respective States and have had people come up to us on the streets and in coffee shops and before civic clubs and say, ''Why can't you guys in Washington get together? Why can't you sit down and do the job we elected you to do and expected you to do when you took your oaths of office as Senators and Members of the Congress? Why can't you reach out to each other and say, 'Yes, I can't have it all my way all the time'?'' That we do have to make compromises and that compromise is not a dirty word, that it is the art of being able to govern in a society that is, indeed, a democracy.

That, I think, is what we have done. Today we are announcing one of the worst-kept secrets in this city, that there has been a centrist coalition that has been working together since our first meeting in October 1995, when we sat down and made a dedicated effort to try to come up with a compromise budget that got the job done. We were dedicated less to which party got the credit and less to which party got the blame and more to trying to get the bottom line achieved in a consensus recommendation. We have done that.

I am optimistic, despite all the things we have not been able to do—and there have been a lot. There have been two partial shutdowns of the entire Government because we have not been able to come together. We had 13 temporary spending bills that have had to pass because we were not able to get the job done. But, despite that, I am optimistic. Today, this Congress will pass a budget for fiscal year 1996. That is encouraging. It is 7 months late, but it is encouraging that, at least, I think today we will have gotten it done. So progress is being made.

I am also encouraged by statements in the press. I see the President yesterday suggested that it would be a good

idea to reach a balanced budget agreement for 7 years if a centrist coalition of moderate Republicans and moderate Democrats in favor of deficit reductions could get together and work together to come up with a balanced budget agreement.

Guess what? We have done that. We have put together a group of good men and women who, in a bipartisan fashion, have dedicated ourselves, and particularly our staffs, to days and hours and months of working together to try to produce a document which, in fact, meets that very goal that the President has suggested. I think everybody wins when we get the job done, and everybody loses when we do not. It is just that simple.

Our recommendation today addresses some very tough, hard problems that have been out there for a long time. For instance, on Medicare, we have made a Medicare proposal that is real Medicare reform. It reduces the cost of Medicare by almost $154 billion. We have made some real, major recommendations in Medicaid.

We have addressed welfare. We have a program that I think is tough on work and yet is good for children. We have a tax cut in our package that is larger than some would like and is smaller than others would like, but it represents a true compromise.

Yes, we have even taken on the very difficult job of saying to the American people that the increases you get in entitlement programs will be realistic; they will more accurately reflect what the increase should be. All the economists tell us that the increases have been larger than they should have been. Our budget proposal, I think, takes the correct and, I think, politically courageous step of saying there is going to be an adjustment in the Consumer Price Index.

Mr. President, for all in this city who have said it could not be done, today we stand and say it can be done. In fact, it has been done, with our recommendation.

I ask unanimous consent that the summary of the centrist coalition balanced budget plan be printed in the RECORD.

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

SUMMARY OF CENTRIST COALITION BALANCED BUDGET PLAN

For the past several months, a bipartisan group of 22 Senators has worked to craft a seven-year balanced budget agreement that is fair to all Americans. We have made the difficult choices and compromises necessary to reach an agreement because we are concerned about the effect a continuing deficit will have on the quality of life for each and every American.

If we act, we can foster economic growth and prosperity. If we fail to act, we undermine the future of our children and grandchildren. This is an historic opportunity and we should not let it pass.

Balancing the budget will spur economic growth, and help families make ends meet by lowering interest rates on home mortgages, car loans, and education loans.

Balancing the budget will also brighten our children's future. Last year's report of the Bipartisan Commission on Entitlement and Tax Reform illustrates the magnitude of the problem facing future generations. Left unchecked, by the year 2012, projected outlays for entitlements and interest on the national debt will consume all tax revenues collected by the federal Government, leaving nothing for national defense, roads, or education. We cannot stand by and let this happen.

We formed this Centrist Coalition because we believe a balanced budget is possible only if Democrats and Republicans work together. We offer this proposal as a way to bridge the gap between our two parties. We hope our effort will spur the President and our colleagues in the House and Senate to work together to enact a balanced budget this year.

Robert F. Bennett, Christopher S. Bond, John B. Breaux, Hank Brown, Richard H. Bryan, John H. Chafee, William S. Cohen, Kent Conrad, Dianne Feinstein, Bob Graham, Slade Gorton, James M. Jeffords, J. Bennett Johnston, Nancy Landon Kassebaum, J. Robert Kerrey, Herb Kohl, Joseph I. Lieberman, Sam Nunn, Charles S. Robb, Alan K. Simpson, Arlen Specter, Olympia J. Snowe.

MEDICARE (ESTIMATED SAVINGS: $154 BILLION)

Expands choices for Medicare beneficiaries: Beneficiaries can remain in the traditional fee-for-service Medicare program or choose from a range of private managed care plans, based upon individual need. Options include point-of-service plans, provider sponsored organizations and medical savings accounts (on a demonstration basis).

Promotes the growth of managed care: By creating a new payment system for managed care—which blends national and local payment rates—the plan encourages growth in the availability and accessibility of managed care. Indirect Medical Education payments would be redirected to teaching hospitals; currently, they are paid to managed care plans.

Ensures the solvency of the Medicare Trust Fund: By slowing the rate of growth in payments to hospitals, physicians and other service providers, the plan extends the solvency of the Medicare Trust Fund.

Higher income seniors should pay more: Through affluence testing, the plan reduces the Medicare Part B premium subsidy to higher income seniors, and asks them to pay a greater share of the program's cost.

MEDICAID (ESTIMATED SAVINGS: $62 BILLION)

Incorporates a number of NGA's recommendations: The proposal incorporates many of the principles of the NGA proposal regarding enhanced state flexibility, while also maintaining important safeguards for the federal treasury and retaining the guarantee of coverage for beneficiaries.

Sharing the risks and rewarding efficiency: Funding is based upon the number of people covered in each state, ensuring federal funding during economic downturns. States will be able to redirect the savings they achieve toward expanding Medicaid coverage to the working poor.

Guaranteed coverage for the most vulnerable populations: The plan maintains a national guarantee of coverage for low-income pregnant women, children, the elderly and the disabled (using the tightened definition of disability included in welfare reform legislation).

Increased flexibility for the states: States can design the health care delivery systems which best suit their needs without obtaining waivers from the Federal Government. Under this plan, states can determine provider rates (the Boren amendment is repealed), create managed care programs, and develop home and community based care options for seniors to help keep them out of nursing homes.

WELFARE (ESTIMATED SAVINGS: $45–$53 BILLION)

Includes many of NGA's recommendations: The plan, which includes several prominent features of the NGA proposal, is based upon the welfare reform bill that passed the Senate by a vote of 87–12 in September 1995.

Tough new work requirements: States must meet a 50-percent work participation requirement by the year 2002.

Time limited benefits: Cash assistance is limited for beneficiaries to a maximum of 5 years.

A block grant providing maximum state flexibility: States will be given tremendous flexibility to design welfare programs, in accordance with their own circumstances, that promote work and protect children.

More child care funding to enable parents to work: The plan provides the higher level of child care funding ($14.8 billion) recommended by the NGA to enable parents to get off welfare and to help states meet the strict work participation requirements contained in the plan.

Extra funds for states to weather recessionary periods: The plan includes a $2 billion contingency fund to help states through economic downturns.

Important safety nets maintained: The plan preserves the food stamp and foster care programs as uncapped entitlements. States must provide vouchers to meet the basic subsistence needs of children if they impose time limits shorter than 5 years (states set amount of voucher).

Encourages states to maintain their investment in the system: States must maintain their own spending at 80 percent to get the full block grant, and 100 percent to get contingency and supplemental child care assistance funds; contingency and child care funds must be matched.

Reforms Supplemental Security Income programs: The plan disqualifies drug addicts and alcoholics from receiving SSI benefits, and tightens eligibility criteria for the children's SSI disability program.

Retargets Earned Income Credit: The Earned Income Credit is retargeted to truly needy by reducing eligibility for those with other economic resources. The plan also strengthens the administration of the Earned Income Credit by implementing procedures to curb fraud.

ECONOMIC GROWTH INCENTIVES (ESTIMATED COST: $130 BILLION)

A three-pronged tax relief program for working families: The plan establishes a new $250 per child credit ($500 per child if the parent contributes that amount to an IRA in the child's name); expands the number of taxpayers eligible for deductible IRAs, creates a new ''backloaded'' IRA, and allows penalty free withdrawals for first time homebuyers, catastrophic medical expenses, college costs, and prolonged unemployment; and provides for a new ''above the line'' deduction for higher education expenses.

Encourages economic growth: A capital gains tax reduction based on the Balanced Budget Act formulation (effective date of 1/1/96): 50 percent reduction for individuals; 31 percent maximum rate for corporations; expanded tax break for investments in small business stock; and capital loss of principal residence. The proposal also provides for AMT relief (conformance of regular and alternative minimum tax depreciation lives).

Important small business tax assistance: An exclusion from estate tax on the first $1 million of value in a family-owned business, and 50 percent on the next $1.5 million. Increases the self-employed health insurance deduction to 50 percent.

Extension of expiring provisions: The plan provides for a revenue neutral extension of expiring provisions.

LOOPHOLE CLOSERS (ESTIMATED SAVINGS: $25 BILLION)

Closes unjustifiable tax loopholes: The cost of the economic growth incentives is partially offset by the elimination of many tax loopholes, and through other proposed changes in the tax code.

CPI ADJUSTMENT, (ESTIMATED SAVINGS: $110 BILLION)

A more accurate measure of increases in the cost of living: The plan adjusts the CPI to better reflect real increases in the cost of living by reducing it by half a percentage point in years 1997–98, and by three-tenths of a percentage point thereafter. The proposed adjustment is well below the range of overstatement identified by economists.

DISCRETIONARY SPENDING (ESTIMATED SAVINGS: $268 BILLION)

Achievable discretionary spending reductions: Unlike most of the other budget plans, this proposal provides for discretionary spending reductions which can actually be achieved. The plan proposes a level of savings which is only $10 billion more than a ''hard freeze'' (zero growth for inflation), ensuring adequate funds for a strong defense and for critical investments in education and the environment.

OTHER MANDATORY SPENDING (ESTIMATED SAVINGS: $52 BILLION)

Balanced reductions acceptable to both parties: The plan includes changes that were proposed in both Republican and Democratic balanced budget measures in the areas of banking, commerce, civil service, transportation and veterans programs.

Additional mandatory savings: The plan adopts other changes, including a cap on direct lending at 40 percent of total loan volume, extending railroad safety fees, and permitting Veterans' hospitals to bill private insurers for the care of beneficiaries.

MEDICARE (ESTIMATED SAVINGS $154 BILLIONS)

The plan proposes a variety of reforms to the Medicare program designed to promote efficiency in the delivery of services and strengthen the financial status of the Trust Fund. The proposal retains the traditional, fee for service Medicare program, but also encourages the formation of private managed care options for seniors and the disabled, allowing point of service plans, provider sponsored organizations, and medical savings accounts (on a demonstration basis).

The plan's provider payment savings and the expanded availability of managed care delivery of services will lower the cost of the Medicare program over the next 7 years thereby extending the solvency of the Medicare Trust Fund.

Program reforms

Increase choice of private health plans. Under the proposal, preferred provider organizations (PPOs), provider sponsored organizations (PSOs), Medical Savings Accounts (as a demonstration project), and other types of plans that meet Medicare's standards are made available to Medicare beneficiaries.

Annual enrollment. The plan allows beneficiaries to switch health plans each year during an annual ''open season'' or within 90 days of initial enrollment.

Standards. The Secretary of HHS, in consultation with outside groups, will develop standards which will apply to all plans. These standards will involve benefits, coverage, payment, quality, consumer protection, assumption of financial risk, etc., which will apply to all plans; PSOs will be able to apply for a limited waiver of the requirement that plans be licensed under State law.

Additional benefits. Under the proposal, health plans would be permitted to offer their participants additional benefits or rebates in the form of a reduced Medicare Part B premium. Plans would be prohibited from charging additional premiums for services covered by Medicare Parts A&B.

Payments to private health plans. Payments to managed care plans will be delinked from traditional fee-for-service payments and will be computed using both locally-based and nationally-based rates. Future payments will grow by a predetermined percentage and a floor will be established in order to attract plans to the lowest payment areas.

Commission on the effect of the baby boom generation. The plan proposes the creation of a commission to make recommendations regarding the long-term solvency of the Medicare program.

Conform Medicare with Social Security. The eligibility age for Medicare is increased to 67 at the same rate as the current Social Security eligibility age is scheduled to increase.

Part A program savings (hospitals)

Hospital market basket update reduction. For hospitals, the proposal sets the annual update for inpatient hospital services at the market basket minus one and one-half percentage points for fiscal years 1997 through 2003.

Capital payment reduction. For hospitals, the proposal reduces the inpatient capital payment rate by 15 percent for fiscal years 1997 through 2003.

Reduce the indirect medical education reimbursement rate. The proposal phases-in a reduction to the additional payment adjustment to teaching hospitals for indirect medical education from 7.7 percent to 6.0 percent.

Reduce DSH payment. The plan reduces the extra payments made to certain hospitals that serve a disproportionate share of low income patients by 10 percent less than current-law estimates.

Skilled nursing facility payment reform. The proposal adopts a Prospective Payment System (PPS) for Skilled Nursing Facilities by November 1997. In moving to the new methodology, a temporary freeze on payment increases is imposed and then an interim system is implemented until the full PPS system is implemented.

Part B program savings (physicians)

Physician payment reform. The proposal adjusts the Medicare fee system used to pay physicians. A single conversion factor would be phased-in for all physicians instead of the current three conversion factors. Surgeons would be phased-in over a 2 year period. The conversion factor for 1996 would be $35.42 and the annual growth rate would be subject to upper and lower growth bounds of plus 3 percent and minus 7 percent.

Reduce hospital outpatient formula. The proposal adjusts the current Medicare formula for hospital outpatient departments to eliminate overpayments due to a payment formula flaw.

Reduce oxygen payment. The proposal would decrease the monthly payment for home oxygen services and eliminate the annual cost update for this service through 2003.

Freeze durable medical equipment reimbursement. The proposal eliminates the CPI–U updates for payments of all categories of Durable Medical Equipment for fiscal years 1997 through 2003.

Reduce laboratory reimbursement. The proposal lowers expenditures on laboratory tests by reducing the national cap for each service to 72 percent of the national median fee during the base year for that service.

Ambulatory surgical center rate change. The proposal lowers the annual payment rate adjustment by minus three percent for fiscal years 1997 and 1998 and then reduces the rate by minus 2 percent for remaining fiscal years through 2003.

Part A and B program savings

Medicare secondary payer extensions. The proposal would make permanent the law that places Medicare as the secondary payer for disabled beneficiaries who have employer-provided health insurance. It also extends to twenty-four months the period of time employer health insurance is the primary payer for end stage renal disease (ESRD) beneficiaries.

Home health payment reform. The proposal reforms the payment methodology used to pay home health services by the beginning of fiscal year 1999. While a prospective payment system is developed, current payments are frozen and an interim payment system implemented.

Fraud and abuse changes. The proposal includes a number of provisions designed to improve the ability to combat Medicare fraud and abuse by providers and beneficiaries

Medicare part B premium reform. The plan retains the pre-1996 financing structure for the Part B program by requiring most participants to pay for 31.5 percent of the program's costs. Premiums for lower income seniors are lowered to 25 percent of the program's costs. In addition, the proposal eliminates the taxpayer subsidy of Medicare Part B premiums for high income individuals.

MEDICAID (ESTIMATED SAVINGS $62 BILLION)

The proposal incorporates many of the principles of the NGA proposal regarding enhanced state flexibility, while also maintaining important safeguards for the federal treasury and retaining the guarantee of coverage for beneficiaries.

Payments to States. States are guaranteed a base amount of funds that may be accessed regardless of the number of individuals enrolled in the State plan. Each state would have the ability to designate a base year amount from among their actual Medicaid spending for FY 1993, 1994, or 1995. Approximately one-third of disproportionate share hospital payments would be included in the base year amount, one-third would be used for deficit reduction, and one-third would be used for a Federal disproportionate share hospital payment program.

In addition, states will receive growth rates which reflect both an inflation factor and estimated caseload increases. If the estimate for caseload in any given year was too low, states would receive additional payments per beneficiary from an ''umbrella fund'' to make up the difference. Conversely, if the caseload was overestimated, the estimate for the following year would be adjusted downward. Regardless of caseload, a state's allocation never fall below the base year allocation for that state. The plan retains the current law match rates and restrictions on provider taxes and voluntary contributions.

Eligibility. The proposal maintains current law mandatory and optional populations with the following modifications: states would cover those individuals eligible for SSI under a more strict definition of disabled (tightened by the welfare reform changes included in this proposal) as well as SSI-related groups; states would have the option of covering current-law AFDC beneficiaries or those eligible under a revised AFDC program (includes one-year transitional coverage); and, states are permitted to use savings in their base year amount to expand health care coverage to individuals with incomes below 100 percent of the Federal poverty level without obtaining a Federal waiver.

Benefits. The plan maintains current law mandatory and optional benefits except that Federally Qualified Health Center (FQHC) services would be optional rather than mandatory. The proposal also gives the Secretary of HHS the authority to redefine early periodic screening and diagnosis treatment (EPSDT) services.

Provider payments. The proposal repeals the so-called Boren amendment as well as the reasonable-cost reimbursement requirements for FQHCs and rural health clinics, thus allowing states full flexibility in setting provider rates.

Quality. States would be allowed to set provider standards. States would no longer be required to obtain a waiver to enroll patients in managed care plans, provided the plans met the state's standards developed for private plans.

Nursing home standards. The proposal maintains current nursing home standards with existing enforcement. Streamlines certain requirements.

Enforcement. Individuals and providers are required to go through a state-run administrative hearing process prior to filing suit in federal court.

Set asides. The plan establishes a federal fund for certain states that have high percentages of undocumented aliens, as well as a fund for FQHCs and rural health clinics.

Program structure. The reforms are made to the existing Medicaid statute.

WELFARE (ESTIMATED SAVINGS $45 BILLION–$53 BILLION)

Block grant. The proposal transforms existing welfare programs into a block grant to states to increase program flexibility and encourage state and local innovation in assisting low-income families in becoming self-sufficient. This structure provides incentives to states to continue their partnership with the Federal Government by encouraging states to maintain 80 percent of their current spending on major welfare programs. While the plan provides maximum flexibility, it requires states to operate their programs in a way that treats recipients in a fair and equitable manner.

Contingency fund. To protect states facing difficult economic times, the plan calls for the creation of a $2 billion Federal contingency fund.

Child care. The plan provides $14.8 billion in mandatory federal funds for child care and ensures that those child care facilities meet minimum health and safety standards so that children are well-cared for while their parents go to work.

Maintenance of effort. To encourage states not to substitute these new federal funds for current state spending, a 100-percent maintenance of effort and a state match are required in order to access additional federal money for child care and contingency funds.

Work requirement and time limit. The plan requires states to meet tough new work requirements—50 percent by 2002—and limits a beneficiary's cash assistance to five years, so that AFDC becomes a temporary helping hand to those in need, rather than a permanent way of life.

Retention of certain safety nets. The proposal retains important protections for welfare's most vulnerable beneficiaries, the children. It allows states to waive penalties for single parents with children under school age who cannot work because they do not have child care, gives states the option to require those parents to work only 20 hours a week, and requires states with a time limit shorter than 5 years to provide assistance to children in the form of vouchers.

Out-of-wedlock births. The plan encourages a reduction in out-of-wedlock births by allowing states to deny benefits to additional children born to a family already on welfare and rewarding states that reduce the number of out-of-wedlock births.

Curbing SSI Abuse. The proposal repeals the Individualized Functional Assessment (IFA) used to determine a child's eligibility for Supplemental Security Income (SSI) and replaces it with a tightened definition of childhood disability. It maintains cash assistance for those children who remain eligible for SSI under this new criteria. It also eliminates SSI eligibility for addicts and alcoholics.

Foster care and adoption assistance. The federal entitlement for foster care and adoption assistance (and their respective preplacement and administrative costs) is maintained under the proposal. States are required to continue to meet Federal standards in their child welfare and foster care programs.

Food stamp and child nutrition programs. The proposal streamlines the food stamp and child nutrition programs, while retaining this critical safety net as a federal entitlement. The work requirement for single, childless recipients in the food stamp program is toughened.

Promoting self-sufficiency for immigrants. The plan establishes a five-year ban on most federal ''needs based'' benefits for future immigrants, with exceptions for certain categories of individuals (such as veterans, refugees and asylees) and certain programs (such as child nutrition, foster care and emergency health care under Medicaid). The plan also places a ban on SSI for all legal immigrants, but exempts current recipients who are at least 75 years of age or disabled; veterans and their dependents; battered individuals; those who have worked 40 quarters; and for a five-year period refugees, deportees and asylees. Finally, future deeming requirements are expanded to last 40 quarters, but do not continue past naturalization.

Retargets earned income credit. The Earned Income Credit is retargeted to the truly needy by reducing eligibility for those with other economic resources. The plan also strengthens the administration of the Earned Income Credit by implementing procedures to curb fraud.

TAXES ($130 BILLION TAX CUT; $25 BILLION LOOPHOLE CLOSERS)

Child credit. The proposal provides a $250 per child tax credit for every child under the age of 17. The credit is increased to as much as $500 if that amount is contributed to an Individual Retirement Account in the child's name.

Education incentives. The plan provides two separate education incentives. The first is an above-the-line deduction of up to $2,500 for interest expenses paid on education loans. The second incentive is an above-the-line deduction for qualified education expenses paid for the education or training for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents. Both deductions will be phased out for taxpayers with incomes above a certain threshold. The phaseout thresholds and the dollar amounts for the deductions are subject to revenue considerations.

Capital gains: Individuals. The proposal allows individuals to deduct 50 percent of their net capital gain in computing taxable income. It restores the rule in effect prior to the Tax Reform Act of 1986 that required two dollars of the long-term capital loss of an individual to offset one dollar of ordinary income. The $3,000 limitation on the deduction of capital losses against ordinary income would continue to apply. Under the plan, a loss on the sale of a principal residence is deductible as a capital loss. These changes apply to sales and exchanges after December 31, 1995.

Capital gains: Corporations. The plan caps the maximum tax rate on corporate capital gains at 31 percent. This change applies to sales and exchanges after December 31, 1995.

Capital gains: Small business stock. The maximum rate of tax on gain from the sale of small business stock by a taxpayer other than a corporation is 14 percent under the proposal. The plan also repeals the minimum tax preference for gain from the sale of small business stock. Corporate investments in qualified small business stock would be taxed at a maximum rate of 21 percent. The plan increases the size of an eligible corporation from gross assets of $50 million to gross assets of $100 million, and repeals the limitation on the amount of gain an individual can exclude with respect to the stock of any corporation. The proposal modifies the working capital expenditure rule from 2 years to 5 years. Finally, an individual may roll over the gain from the sale or exchange of small business stock if the proceeds of the sale are used to purchase other qualifying small business stock within 60 days. The increase in the size of corporations whose stock is eligible for the exclusion applies to stock issued after the date of the enactment of this proposal. All other changes apply to stock issued after August 10, 1993.

Alternative minimum tax relief. The plan conforms the Alternative Minimum Tax depreciation lives to the depreciation lives used for regular tax purposes for property placed in service after 1996.

Individual Retirement Accounts. The proposal expands the number of families eligible for current deductible IRAs by increasing the income thresholds. In addition, the annual contribution for a married couple is increased to the lesser of $4,000 or the combined compensation of both spouses. Penalty-free withdrawals are allowed for first-time homebuyers, catastrophic medical expenses, higher education costs and prolonged unemployment. The plan creates a new type of IRA which can receive after-tax contributions of up to $2,000. Distributions from this new IRA would be tax-free if made from contributions held in the account for at least 5 years.

Estate tax relief. The plan provides estate tax relief for family-owned businesses by excluding the first one million dollars in value of a family-owned business from the estate tax and lowering the rate on the next one and one-half million dollars of value by 50 percent. To preserve open space, the plan excludes 40 percent of the value of land subject to a qualified conservation easement.

Other provisions. The proposal contains a revenue neutral package extending the expired tax provisions. The plan also calls for increasing the self-employed health insurance deduction to 50 percent.

Loophole closings and other reforms

The plan includes a package of loophole closers and other tax changes designed to reduce the deficit by $25 billion over seven years. Changes include, for example, phasing out the interest deduction for corporate-owned life insurance, eliminating the interest exclusion for certain nonfinancial businesses, and reforming the tax treatment of foreign trusts. In addition, the Oil Spill Liability tax and the federal unemployment surtax are extended as part of the plan.

CONSUMER PRICE INDEX (ESTIMATED SAVINGS $110 BILLION)

The plan includes an adjustment to the Consumer Price Index to correct biases in its computation that lead to it being overstated. The proposal reduces the CPI for purposes of computing cost of living adjustments and indexing the tax code by one-half of a percentage point in 1997 and 1998. The adjustment is reduced to three-tenths of a percentage point in 1999 and all years thereafter.

DISCRETIONARY SPENDING (ESTIMATED SAVINGS $268 BILLION)

The plan holds discretionary spending to an amount that is slightly below the fiscal year 1995 level for each of the next 7 years. This is $81 billion less than the cuts proposed as part of the Balanced Budget Act and $29 billion less than the cuts proposed by the Administration.

OTHER MANDATORY SPENDING (ESTIMATED SAVINGS $52 BILLION)

Housing. The proposal reforms the Federal Housing Administration's home mortgage insurance program to help homeowners avoid foreclosure and decrease losses to the federal government. It also limits rental adjustments paid to owners of Section 8 housing projects.

Communication and spectrum. The plan directs the Federal Communications Corporation to auction 120 megahertz of spectrum over a 7-year period.

Energy and Natural Resources. The proposal call for the privatization of the US Enrichment Corporation and the nation's helium reserves. It extends the requirement that the Nuclear Regulatory Commission collect 100% of its annual budget through nuclear plant fees. The proposal allows for the sale of the strategic petroleum reserve oil (SPRO) at the faulty Weeks Island location and leases the excess SPRO capacity. Under the plan the Alaska Power Market Administration, various Department of Energy assets, Department of Interior (DOI) aircraft (except those for combating forest fires), Governor's Island, New York, and the air rights over train tracks at Union Station would be sold. The plan raises the annual Hetch Hetchy rental payment paid by City of San Francisco and authorizes central Utah prepayment of debt.

Civil Service and related. The plan increases retirement contributions from both agencies and employees through the year 2002, delays civilian and military retiree COLAs from January 1 to April 1 through the year 2002, and reforms the judicial and congressional retirement. Finally, the plan denies eligibility for unemployment insurance to service members who voluntarily leave the military.

Transportation. The proposal extends expiring FEMA emergency planning and preparedness fees for nuclear power plants, vessel tonnage fees for vessels entering the U.S. from a foreign port, and Rail Safety User Fees that cover part of the cost to the federal government of certain safety inspections.

Veterans. The plan extends seven expiring provisions of current law and repeals the ''Gardener'' decision thereby restoring the Veterans Administration's policy of limiting liability to those cases in which an adverse outcome was the result of an accident or VA negligence. Pharmacy co-payments are increased from $2 to $4, but not for the treatment of a service-connected disability or for veterans with incomes below $13,190. Also, the increase applies only to the first 5 prescriptions that a veteran purchases per month. The proposal authorizes a veteran's health insurance plan to be billed when a VA facility treats a service-connected disability.

Student loans. The proposal caps the direct lending program at 40 percent of total loan volume. It imposes a range of lender and guarantor savings. The proposal does not include fees on institutions, the elimination of the grace period, or any other provisions negatively impacting parents or students.

Debt collection. The plan authorizes the Internal Revenue Service to levy federal payments (i.e. RR retirement, workman's compensation, federal retirement, Social Security and federal wages) to collect delinquent taxes.

Park Service receipts and sale of DOD stockpile. The proposal raises fees at National Parks. It directs the Defense Department to sell materials in its stockpile that are in excess of defense needs (i.e., aluminum and cobalt)—but not controversial materials such as titanium.

Long-Term Federal retirement program reforms. The plan increases the normal civil service retirement eligibility to age 60 with 30 years of service, age 62 with 25 years of service, and age 65 with 5 years of service. Military retirement eligibility for active duty personnel is increased to age 50 with 20 years of service, with a discounted benefit payable to a person retiring before age 50. No changes are proposed for the retirement eligibility of reserve servicepersons. These changes would not apply to current or previously employed federal workers or anyone who is now serving or who has previously served in the military. Although these changes will not produce budget savings in the coming seven years, they do provide significant savings over the long-term.

Mr. BREAUX. Mr. President, I reserve the remainder of our time.

Mr. CHAFEE. Mr. President, I yield 4 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 4 minutes.

Mr. JEFFORDS. Mr. President, I rise today to speak on one of the most critical issues of this Congress—balancing our Federal budget. I support the effort to balance the budget over the next 7 years. It is a task that is long overdue, one that we should have tackled long before the Federal debt began to escalate in the early 1980's. Our carelessness in financial planning is a terrible legacy to leave our children and grandchildren.

First, I want to commend the two Johns, Senator JOHN CHAFEE and Senator JOHN BREAUX. The ability to develop a budget structure agreeable to enough Senators in the middle to become a model for passage is a daunting task. It has taken hundreds of hours. It has a real chance to be the model to end the balance the budget deadlock. It is probably unrealistic to expect we can get the 1996 reconciliation package revised, but there is a real chance it can be used for the soon arriving 1997 budget.

When I voted in the House in 1986 against the balanced budget constitutional amendment I stated at the time we could not wait the number of years required to get it approved by the States. However 10 years later the situation has become much worse. Now I also realize that it is imperative we move forward without the amendment. Any further delay will greatly increase the damage to national economic stability.

The basic problem is the increasing cost of entitlement programs. These are programs outside of the appropriations process. They have increased well beyond the growth of revenues and population. In addition it appears through generosity or otherwise they have increased at a rate greater than the actual cost of living created by inflation. Our proposal recognizes this for the future. This will make additional cuts in discretionary programs such as education less necessary. But it does so in a way which may actually protect from a greater decrease which will be recommended this June by a panel of experts.

The entitlements that have provided the greater problems are in the area of health care. The increasing projected costs in Medicaid and Medicare represent about one-half of the increasing cost problem. We cannot continue to run a Federal-fee-for service system. Trying to control costs without controlling utilization has not worked. There are too many ways that costs can be shifted to these programs. Progress in this area will be controlled by more State responsibility. But those of us on committees of relevant jurisdiction must work to move to a Federal capitated system combined with utilization of private insurance methodologies and Federal guidelines to get these costs under control. It is interesting to note that in 1954 the Eisenhower administration introduced legislation along these lines when it recognized some Federal system was required. This was H.R. 8356. The purpose of the bill was ''to encourage and stimulate private initiative in making good and comprehensive services generally accessible on reasonable terms through adequate health prepayment plans, to the maximum number of people * * * (b) by making a form of reinsurance available for voluntary health service prepayment plans where such reinsurance is needed in order to stimulate the establishment and maintenance of adequate prepayment plans in areas, and with respect to services and classes of persons, for which they are needed.'' I believe this gives us a possible route implemented through individual choice to get us out of our preset health care cost mess. We must find the way to control uncontrolled cost shifts and to spread the cost of the sick over the widest base. Hopefully the Finance Committee and the Labor and Human Resource Committee will join in achieving this goal.

Mr. President, like my colleagues in this bipartisan coalition, I want a Federal budget that is balanced in an equitable manner. In reaching a balanced budget we must be careful not to cut those programs which could be counterproductive to balancing the budget. In other words, cuts in one program can result in increased costs in other programs, thus making it more difficult to balance the budget.

The bipartisan budget proposal accomplishes this goal by making the tough decisions necessary to balance within 7 years and still maintain a strong commitment to discretionary and mandatory spending. Unlike other budget proposals, this plan provides for cuts to the overall discretionary spending that are both achievable and modest. If we are successful in getting health care costs under control it should be possible to actually make needed increases in such accounts.

Mr. President, there are many important programs within the discretionary accounts that need to be maintained. The centrist group realizing the importance of discretionary spending provided modest cuts to the discretionary account.

I would like to highlight just a few examples of the importance of maintaining the discretionary accounts. One example can be seen in Federal health research spending. We are nearing discoveries and new treatments to the causes of many illnesses and diseases, such as Alzheimer's and Parkinson's. The centrist coalition provides the flexibility to maintain spending on medical research. It is well known that for every dollar spent on health research, several dollars are saved by the Federal Government. This spending on health research could allow for the potential to eliminate tens of billions of dollars in Federal health care costs over the next decade or more.

Another example of this group's commitment is in providing adequate education funding. As a group we understand that this Nation faces a crisis—a crisis which is costing us hundreds of billions of dollars in lost revenues, decreased economic productivity, and increased social costs, such as welfare, crime, and health care.

Mr. President, business leaders warn us that unless improvements are made in our educational system, our future will be even bleaker. The rising costs of higher education combined with the lower income levels of middle-income families is causing thousands not to finish college, and fewer to attend graduate school in critical areas such as math, science, and engineering. As chairman of the Education Subcommittee, I am particularly concerned about maintaining funding for education, and I have worked with my colleagues in this centrist group to ensure that adequate funding will be protected within education programs.

Finally, in order to help solve the deficit problem, and as importantly, to prevent unnecessary hardship to individuals, this group's plan protects the Federal commitment to education, health research and many other discretionary spending areas by providing the least amount of cuts of any plan yet offered.

Mr. President, I am committed to balancing this budget, but not on the backs of the poor, the elderly and our children. This budget proposal is the only plan that protects the neediest Americans while balancing the budget.

THE IMPORTANCE OF PROTECTING EDUCATION UNDER A BALANCED BUDGET

The Federal role within education is vital to the continued health of this Nation's economy. Therefore, I want to highlight the importance of providing adequate education funding. Recently, the U.S. Bureau of the Census released a report which states that increasing workers' education produces twice the gain in workplace productivity than tools and machinery. This simple but powerful finding shows that the importance of educational investments cannot be ignored. In another economic study, entitled ''Total Capital and Economic Growth,'' John Kendrick corroborates this finding. He shows that education alone accounts for over 45 percent of the growth in the domestic economy since 1929.

Americans understand intuitively that investing in education is the key to our future success, and the best possible national investment that we can make as a country. The evidence is clear: Countries which spend more on education per pupil yield higher levels of per capita GDP. Economists estimate the returns to investment in college education at over 30 percent in the 1980's. And some institutions, such as Motorola University, report corporate savings of $30 to $35 for every $1 spent on training. That is a 3000 to 3500 percent rate of return.

Several studies have concluded that a more highly educated work force is key, if we are going to balance the budget without substantially raising taxes. It is a crucial factor for increasing the Federal resource base.

People, as rational consumers, also realize that investing in their own education leads to substantially higher lifetime earnings. A person with a bachelor's degree earns over 1½ times the income of a person with a high school degree only. A professional degree brings over 350 percent higher lifetime earnings than a high school diploma in itself.

A recent study shows that over the past 20 years, only college graduates have increased their real earning potential, while everyone else lost ground. College graduates have earned 17 percent more in real wages, while the earnings of high school dropouts fell by one-third. Thus, it is clear that education is an important investment for personal as well as national competitiveness.

As our economy continues to shift from a manufacturing base toward information and services, education becomes the single most important determinant of economic success, for the individual and the country at large.

Finally, the plan recognizes we must delay tax cuts until we have taken the above actions to insure getting entitlements under control, and our priorities reordered so they are not counter productive in their results. This is end increasing the deficit, not reducing it.

Mr. President, I yield the floor.

Mr. President, this has been a wonderful experience for those of us who have participated with, as they have been referred to, ''the Johns,'' JOHN BREAUX and JOHN CHAFEE, that so many of us can get together from each party and deal with the very difficult issues that we are faced with and come up with a compromise proposal for the budget that will reach the goals took a lot of hard work. Let me just run through some of the areas that we have tackled and have hopefully come up with some solutions.

As hard as the vote was on the balanced budget amendment—and I suffered through that, having voted for it. Before, in 1986, I voted against it, then, because I said there is no way we can wait for the length of time for a balanced budget amendment to go through the States—we have to do it now. It is 10 years later and we are worse off than we were, so I voted for it. That was the easy part. Now it comes down to how to balance the budget.

The main problems that we have to deal with are the toughest ones—the entitlements. How do you take entitlements that people have depended upon and bring them in so that you can possibly get through the budget process without totally devastating the discretionary spending?

The basic one, and the most important one, is health care reform. If we do not have health care reform—and I am dedicated to working to do that—there is no way we can get the budget under control. That is half the problem. But we can get it under control if we get it out of the fee-for-service system and get it back to where it ought to be, with the regular private efforts with respect to the insurance and coverage and working with providers and ensuring that there are adequate funds for people in Medicaid and Medicare.

Other entitlements have to be brought under control, there is no question about it. Willingness to face that also requires a willingness to face the fact that we overstate the CPI and, therefore, create a worse problem every year.

But the impact upon discretionary spending—and I serve on the Appropriations Committee as well as the Labor and Human Resources Committee—makes it clear to me we also have to reorder priorities, because if we just mindlessly cut, we will make the problem worse rather than better.

I have been working very hard and working with Senator SNOWE. We brought this to the Senate this year. We convinced the Senate that you cannot cut education because one-half trillion dollars of costs in our budget right now are due to a failing of our educational system. So we have been successful working together. The moderates, I believe, on both sides have brought that one under control. We have agreed not to cut education.

Other types of things that we have to look at are training and all the other things that go into the losses because of our poor position in this world with respect to our competitiveness.

Let me just stop and point out that the priorities we must have is health care reform, and this can be done and we have to work on that, and education must be frozen. We have to start making sure that we do not destroy the base any further than it already is. Finally, we have made the difficult decision that you have to put your tax cuts in after you have brought the budget under control, not before, as we did in

the failure to bring the budget under control in 1981.

I am proud to have worked with this group. I know there are many more to come forward and support us when they examine what can be and must be done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. I yield 4 minutes to Senator KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 4 minutes.

Mr. KOHL. Mr. President, I thank Senator BREAUX.

The balanced budget we are presenting today is balanced not only on the bottom line, but it is balanced in its political support, balanced in the sacrifices it asks from all of us, and balanced in the benefits it bestows.

Balance and fairness has not been the hallmark of previous budget plans presented to this Senate. Let me put this on a more personal level. I could not ask the people of Wisconsin to support a budget that cut their benefits while it was giving me a big tax break, and I could not ask them to support a budget designed to improve my party's chances in the 1996 Presidential election rather than their children's chances in the world economy of the 21st century. But I can ask them to support the plan we are releasing today because it is fair, it is smart, and it is bipartisan.

The budget we present today contains almost $600 billion in proposed savings over 5 years, and that is without calculating the savings in interest costs from reduced debt. Those savings are spread across almost every group in society and almost every Government program. Medicare, Medicaid, welfare, Federal retirement programs, and even Social Security are slated for spending reductions. Corporate welfare is cut. Payments to chronic individual welfare recipients are eliminated. Defense and domestic spending are brought below a freeze. Savings proposals from both Democratic and Republican balanced budget offers, affecting areas from banking to veterans, commerce to communications, are incorporated in our plan. If our plan was to be enacted, most of us would contribute an amount so small that we would not even notice, but our small contributions will add up to a big chunk of deficit reduction.

Aside from the CPI adjustment, the spending cuts laid out in our plan are approximately 60 percent from entitlement programs and 40 percent from discretionary programs which we pay for through our annual appropriations bills. According to the President's budget, our actual spending in 1996 was 60 percent for entitlement programs and 40 percent for discretionary programs. So our plan distributes the cuts in exact proportion to the size of these programs in the budget. It favors no group, no special type of program, and no political sacred cow. Again, the cuts are evenhanded, unbiased, nonpartisan—in other words, fair.

We believe that the fairness evident throughout our plan is necessary in a balanced budget if it is going to win popular and political support. We need to seek the balance in our fiscal policy that I am afraid is too often missing in our economy.

It is now a generally accepted fact that our economy is growing more unequal. What that means for the average family is that they are working harder, longer hours, and tougher jobs just to maintain the standard of living that their parents enjoyed. Between 1973 and 1993, the productivity of the American worker grew by 25 percent, and over the same period, the hourly compensation of the average American worker was flat.

That is not the story of an American opportunity that I, or any of my colleagues, grew up with. We know an American economy that values a fair day's work with a fair day's pay, and we know an America that comes together to solve big problems by sharing our burdens. We know an America where each generation has the opportunity to leave to their children a better standard of living.

Mr. President, our budget is true to that vision of America. It calls for fair and equal sacrifice. It provides for a small amount of fairly distributed benefits and, most important, it brings our deficit down to zero and stops the accumulation of debt that has buried the economic opportunities of the next generation.

So I ask all my colleagues to take a good look at this plan. Let us take this last, best chance to put aside politics and adopt a balanced budget that is real, bipartisan and fair.

I yield the floor.

Mr. CHAFEE. Mr. President, I yield 4 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 4 minutes.

Ms. SNOWE. Mr. President, I rise this morning to join more than 20 of my colleagues in presenting our bipartisan balanced budget proposal—the only bipartisan budget plan in Congress. Over the past 5 months, we have all observed the on-again, off-again budget negotiations, the two Government shutdowns, and several close calls on the debt limit.

In the wake of these fiascoes, the unveiling of our budget offers reassurance and hope, because, despite everything you have seen or heard, this package proves that Republicans and Democrats can work together and find common ground on this—the most important issue facing our Nation.

I would like to join my colleagues in thanking Senators CHAFEE and BREAUX for their leadership in bringing this group together. Without their efforts, it would not have been possible to present this bipartisan plan today.

Mr. President, we are in danger of becoming the first generation in the history of our Nation that will not leave a better standard of living for the next generation. For nearly 200 years, we took it for granted in this country that those who followed us would have a better life than we did. Well, that is simply not the case anymore.

The fact is, the United States has not balanced its budget since 1969. And today—27 years later—our unwillingness to address its problem in a meaningful way is the ultimate example of politics as usual and status quo governing. And as a result of our Government's continuing failure to live within its means, we are bequeathing a legacy of debt and darkness to our children and grandchildren.

Mr. President, the Members of this body who are presenting this bipartisan budget plan today believe that this reckless disregard for our children's future is unacceptable.

Our bipartisan group has been working today with an eye on tomorrow, because as Herb Stein of the American Enterprise Institute notes, ''The problem is not the deficit we have now, it's the deficit we will have in the next century.''

Well, Mr. President, the next century is only 3½ years away. And every day we wait, deficit spending continues, interest on the debt accumulates, and our economy moves closer to the brink. Consider these numbers:

Under current economic policies, the debt will reach $6.4 trillion by the year 2002. And according to estimates from the President's own Office of Management and Budget, the deficit will double in 15 years, then double again every 5 years thereafter. And by the year 2025, OMB estimates that the deficit in that year alone will be $2 trillion. OMB also forecasts that if we continue our current spending spree, future generations will suffer an 82-percent tax rate and a 50-percent reduction in benefits in order to pay the bills we are leaving them today. With those numbers, it's no wonder babies come into the world crying.

When six Republicans and six Democrats first gathered in Senator CHAFEE's office last December, it was out of a shared conviction that this Government has no right to leave such a crushing burden of debt to the next generation. We believe that balancing the budget is not an option, it's an imperative.

We wanted to show that if we put the interests of the American people first, our system could work, that we could produce results. And with that vision in mind, we have come together, split the differences between the President's budget and the Republican plan, and have reached agreement on a plan that balances the budget while still maintaining the priorities shared by all Americans.

Mr. President, the benefits of passing a balanced budget are enormous: Some economists estimate that a balanced budget would yield a drop in interest rates of between 2.5 and 4 percent. In practical terms, this means that the average family with a home mortgage,

a car loan, or student loans would save about $1,800 a year. And real income for the average American would increase by an astounding 36 percent by the year 2002.

Furthermore, the Joint Economic Committee projects that a 2.5-percent drop in interest rates would create an additional 2.5 million jobs. And in terms of economic growth, CBO estimates that balancing the budget would lead to a 0.5-percent increase in real GDP by the year 2002, and that over time, national wealth would increase by between 60 and 80 percent of the cumulative reduction in the deficit.

More than 20 Republicans and Democrats have already agreed that this proposal is an acceptable way to reach balance. Bipartisanship was the key to turning our shared commitment for a balanced budget into a plan—and bipartisanship will be the key to Congress moving forward and enacting a balanced budget proposal this year. And, frankly, our plan represents perhaps the last, best chance for passing a balanced budget in this Congress.

As with any balanced budget plan, there are provisions in this proposal that can be opposed by just about any person or any group. But the difference between our plan and any other plan being put forward is that this plan has bipartisan support.

Our proposal has strong bipartisan support because—unlike some other proposals on the table—our plan does more than pay lip service to providing realistic, long-term protection to our shared commitments to education, the environment, and economic growth. While other proposals rely on unrealistic cuts in discretionary spending to reach balance, our proposal does not.

Specifically, at the time our proposal was crafted, our bipartisan plan contained $30 billion less in discretionary spending cuts than the President's budget offer, and $81 billion less in discretionary spending cuts than the Republican proposal.

As a result, while other proposals would leave future Congresses with the choice of providing adequate funding for some programs while utterly eviscerating others, our proposal does not.

Mr. President, no issue is more critical to the economic future of our Nation—and the economic future of our children and grandchildren—than that of balancing the budget. In the words of John Kennedy, ''It is the task of every generation to build a road for the next generation.''

Mr. President, this bipartisan budget plan is the road toward fiscal responsibility that will give our children and grandchildren a better tomorrow. We cannot let this moment pass us by. We cannot allow the forces of politics to overcome the forces of responsibility. We must act now.

I am very pleased to rise and express my appreciation to both Senator CHAFEE and Senator BREAUX for their outstanding leadership. Without their efforts, it would not have been possible to not only assemble this bipartisan group but also to present the only bipartisan balanced budget plan in this Congress.

I think over the past 5 months, we have all observed the on-and-off-again budget negotiations, the close calls on the debt ceiling and also the two Government shutdowns. In the wake of all those fiascoes, the unveiling of our budget offers reassurance and hope that despite everything you have seen and heard, that Republicans and Democrats can come together and reach common ground on one of the most important issues facing this country.

Frankly, Mr. President, there is no more important issue to the economic future of this country than that of balancing the budget. There is no more important issue to the future of our children and our grandchildren than that of balancing the budget.

Our unwillingness to address this issue really represents, unfortunately, the ultimate example of politics as usual and status quo governing. We, as a bipartisan group, look to the future. As Herb Stein of the American Enterprise Institute said recently, the problem we have with the deficit is not now. The problem is the deficit in the next century, and the next century is 3½ years away.

Just consider the numbers. The debt will be $2.4 trillion in the year 2002. It will double in 15 years. Then it will double every 5 years. Then at the point in 2025, in that year alone, the deficit will be $2 trillion. It will require future generations to pay a tax of 82 percent and see a reduction in their benefits of 50 percent based on our current spending and economic policies of today. Our bipartisan group considered that a reckless disregard for future generations by bequeathing them that legacy of debt.

I want to point out, as far as this bipartisan budget plan, a very significant factor and one which Senator JEFFORDS touched on, and that is the issue of discretionary spending. We have been paying lip service to the most important programs we have embraced in this institution, ones that everybody talks about. That is education and the environment, for example.

Take a look at this chart, for example, on discretionary spending. We propose very realistic spending levels for discretionary spending. We took a hard freeze, which is $258 billion, and only proposed $10 billion more than that in terms of discretionary spending over the 7 years.

But if you look at the GOP offer in January and the President's offer in January, we have, for example, the January offer by GOP, $258 billion, and beyond that $90 billion in cuts beyond a hard freeze.

The President's offer is $258 billion in a hard freeze and $40 billion beyond that in terms of discretionary spending cuts. It is unrealistic. What is worse is that they postpone many of these cuts for discretionary spending to future Congresses, not even in the next Congress. It will be in the year 2001 or the year 2002 that most of those cuts will occur.

I do not think it is fair to expect that any future Congress in the year 2001 or 2002 is going to have to cut anywhere between $40 to $90 billion in additional discretionary spending in order to reach their goal of a balanced budget. You know exactly what will happen. It will not happen.

So we propose a very realistic level of discretionary spending on the very programs that we consider important to the American people, the very programs that already have been cut significantly over the last 10 years. So I hope that the Members of this Senate will look very carefully at this budget, recognizing that this is a major step forward, that it is achievable, that we split the differences to reach this common ground.

I hope furthermore that we in this Congress will not allow the forces of politics to overcome the forces of responsibility. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. Mr. President, I yield 4 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 4 minutes.

Mr. GRAHAM. I thank the Chair.

Mr. President, I strongly concur in the statements that have been made by each of my colleagues this morning.

This is the time for public officials in Washington to stop the procrastination, bickering, the confrontation, to start the process of governing for the benefit of the people of America.

I am encouraged from reports this morning that indicate that we may be on the verge of reaching a resolution to the budget for fiscal year 1996. I deplore the fact that it took until the 25th of April to reach a budget resolution which should have been realized prior to October 1st of 1995. But later is better than never at all.

Mr. President, we are at a historic moment in terms of our opportunity to balance the Federal budget. The leadership of the House and the membership of the House want a balanced budget. The same is true in the Senate. The President wants a balanced budget. We are on the verge of producing the first balanced budget that we have had in almost two generations.

Missing this premier opportunity, muddling along into the election beyond, is a sure path for continued public disdain of our commitment and our ability to achieve an important national purpose. It would be a tragedy to let this opportunity drift away. In some ways it would be more than a tragedy, it would be a disgrace and an outrage.

It is for exactly the avoidance of those negative perceptions that the Centrist Coalition was formed, to see if

it was not possible to put together a reasonable plan to bring our Federal budget into balance and to keep it there and to do so on a bipartisan basis.

One of our principles was that if you are going to have sustained Government programs at the domestic or foreign level, that it is critical that they be premised on a foundation of bipartisanship.

Let me just mention what I think are a few of the principal aspects of this Centrist coalition budget. The budget is honest. It brings us into balance with a reasonable annual movement towards that balance. It does not postpone all the tough decisions to the last year. The budget also sustains this balance by making critical structural changes. It will help assure we stay in balance into the future.

This balanced budget will produce broad economic benefits for the Nation. Virtually every economist agrees that if we can have a balanced budget plan that we are committed to realizing that it will result in noticeably lower interest rates over the next period than those interest rates will be if we fail in this effort.

That will mean every month in the wallets of American families additional dollars that they can spend—rather than spending on interest—for their home mortgage. It will mean for young people coming out of colleges, universities, that they will have lower interest cost student loans. Virtually every American will benefit by this contribution.

Mr. President, just briefly in the moments left to me, let me say that I particularly worked on the section of this budget plan that relates to Medicaid. It is a complicated area, which our recommendations will be explained in more detail later.

But basic principles that will be preserved in this important area include the safety net for low-income and elderly Americans. A continuing Federal role in assuring that safety net is maintained. But substantial additional flexibility is given to the States in order to innovate and to assist in realizing the significant savings which we think are possible in this program.

This balanced budget will help preserve access to health coverage to 37 million Americans. It gives Medicaid a shot in the arm—while at the same time reducing costs by $62 billion dollars.

Some reformers have seized upon this budget debate as a way to abolish the Federal role in Medicaid. Others steadfastly defend the status quo, saying that Medicaid needs no medical attention whatsoever. Both approaches are wrong. Medicaid doesn't need major surgery. But it could use some preventative care to continue its efforts into the 21st century. Our budget does that.

Several months ago, the National Governors Association proposed a bipartisan plan to tend to Medicaid's infirmities. We share many of the Governors' goals.

First, we agree that mending Medicaid—and balancing the budget—depend on using aggressive therapy to control rising Medicaid costs. Our plan's savings will go a long way toward making Medicaid more efficient and balancing the budget.

We agree that one of the best ways to reduce costs is to give states more freedom to design, create, and innovate. In our plan, that means no more waivers for managed care, home care, and community based care. It means repeal of the Boren amendment. And it means dozens of other measures to encourage flexibility and state innovation.

Like the Governors, we feel strongly that the basic health care needs of our Nation's most vulnerable populations must be guaranteed. That means protecting the Federal-State partnership that has so successfully provided for the health care needs of low-income Americans.

But we take this goal one step further. Thanks to Medicaid, 18 million children have access to hospital, physician care, prescriptions, and immunizations. We can't throw that away.

So even though the Governors' plan scales back coverage to children under 133 percent of the poverty line, we maintain Medicaid's historic guarantee to cover children under 185 percent of the poverty line. Our children deserve healthy and safe lives.

We also agree with the Governors that Medicaid must lose its addiction to old budgets and old demographics. Most of the Medicaid officials who created the program are no longer around. But their 30-year-old statistics and funding formulas still serve as the basis for Medicaid policy decisions.

In this new era, we must adopt new thinking. Medicaid funds should follow health care needs. States must be protected from unanticipated program costs resulting from economic fluctuations, changing demographics, and natural disasters.

Because our centrist plan is all about balancing the budget, we adopt an additional principle. We protect the Federal Treasury from Medicaid fraud and abuse.

In the 1980's Medicaid created the Disproportionate Share Hospital [DSH] Program to assist hospitals with large numbers of low-income patients. Some States saw this as a way to reduce their contributions to Medicaid. Others saw it as an opportunity to transfer Federal Medicaid dollars to other priorities.

As a result of this abuse, Federal Medicaid costs exploded. Congress implemented aggressive defensive therapy and cracked down on Medicaid abuse. Yet incredibly, Congress is now considering the repeal of those laws we passed to crack down on abuse. That won't help to control costs. It won't help us balance the budget.

It is high time for us to produce the balanced budget the American people deserve. For more than 20 years, Washington has been asleep at the wheel while the Federal budget has headed over the cliff.

Let's stop being modern-day Rip Van Winkles. Now is the time for reasonable, bipartisan compromise. Now is the time to balance the budget.

So, Mr. President, I conclude by commending my colleagues who have joined in this effort who have provided such effective leadership. We do not purport that this is Biblical. This is the product of men and women, fair-minded, trying to develop a compromise in the best traditions of democratic government. We hope that this will serve to stimulate others to move forward and bring a plan for a balanced budget to the American people in 1996.

I thank the Chair.

Mr. CHAFEE. Mr. President, I yield 4 minutes to the Senator from Maine.

Mr. COHEN. Mr. President, first I would like to pay tribute to Senator JOHN CHAFEE of Rhode Island. Whether the issue is health care reform or indeed dealing with a balanced budget, JOHN CHAFEE has been in the forefront. He has demonstrated the kind of leadership that he demonstrated many years ago at Guadalcanal.

He has continued to take the lead on tough issues, joined by Democrats who show a similar amount of courage. I am thinking of JOHN BREAUX, BOB KERREY of Nebraska, and so many others who are here on the floor today. Without that kind of leadership, we would not be able to forge this bipartisan consensus. I take my hat off to Senator CHAFEE for the courage he has shown over the years.

People are disenchanted with politics and politicians today. I think there is a good reason for that. Because we have been drawing profiles in cowardice. We have failed to tell the people, in Walter Lippmann's words, ''What they have to know and not what they want to hear.'' As a result, we have misled them over the years by promising them more and more without the corresponding obligation they have to pay for those promises.

We are where we are today because we have misled them. And so this represents a break in that particular tradition. The role of success in the past has been to keep promising more and more and never having to pay for it. Borrowing from our children, sacrificing their future, all the while paving our way to electoral success. What this group is saying is that has to stop.

I was looking at an article last evening in the Atlantic Monthly. I call all of my colleagues' attention to it. It was written by Pete Peterson, the president, founder of the Concord Coalition. He has been writing about this for years now. The article—I will just quote a couple of things from it. It is one of the most powerful and persuasive cases one could possibly make about the need for this kind of proposal.

He quotes from Herbert Stein saying: ''If something is unsustainable, it tends to stop.'' Or, as the old adage advises, ''If your horse dies, we suggest you dismount.''

Then he goes on to cite some really overwhelming statistics. My colleague from Maine, Senator SNOWE, mentioned some of them. I am just summarizing it. Basically it says that if the Social Security trust fund and the Medicare hospital insurance, if they remain as they are, the combined cash deficit in the year 2030 will be $1.7 trillion. In other words, the horse will be quite dead. By 2040 the deficit will probably hit $3.2 trillion, and by 2050, $5.7 trillion; and even discounting inflation, without counting inflation, the deficit that year for these two senior citizen programs will approximate $700 billion or nearly four times the size of the entire 1996 Federal deficit.

The numbers are staggering. The demographics are overwhelming. Consider the fact that in just 4 years 76,000 Americans are going to live to be 100 years old, the baby boomers, out of the baby boomers more than 1 million will reach the age of 100. In just four decades one-fourth, 25 percent of our population, is going to be over the age of 65 and our nursing home population is going the double. The demographics are simply overwhelming.

If we are looking at tax increases, while both parties are talking about tax cuts, tax increases by the year 2040, the cost of Social Security as a share of worker payroll, is expected to rise from today's 11.5 percent to either 17 or 22 percent. If you add the Medicare Program, the workers will be paying between 35 and 55 percent of their payroll just for those two programs, not counting anything else in the entire Federal budget.

The numbers are overwhelming. It is as if, Mr. President, we were told by our scientists that a giant meteor is rocketing its way toward Earth. It will arrive in about 10 or 15 years. When it strikes, it will destroy all life in the United States—maybe the entire planet. What would our reaction be? Ignore it? Say it is a lie? Or it is inevitable and nothing can be done? Besides, we will be dead and it will not matter. It is our children and our grandchildren's problem; let them contend with it. Or would we exercise the kind of courage and vision that, say, a John F. Kennedy did when he said, ''In the next decade, we are going to put a man on the moon.''

That is the kind of courage and vision we need to start exercising now. We need to say there is a giant meteor coming and we need to build something that will destroy it before it destroys us. That is the reason we are here today. I commend my colleagues, Senator CHAFEE, Senator KERREY, who has been a leader in facing up to the issues of the needs of reform in our Social Security system, which is a third rail of politics, and all the other colleagues on the floor. I commend each of you for your effort to reach a bipartisan consensus on what we have to do to destroy that giant meteor that is out there heading this way.

Mr. BREAUX. I yield 4 minutes to the Senator from Nebraska.

Mr. KERREY. Mr. President, I, like my other colleagues, want to praise both Senators CHAFEE and BREAUX for keeping this group on task and hope that this proposal, this bipartisan proposal, equally divided between Republicans and Democrats, will provide a foundation upon which this Congress can act to enact a balanced budget plan sometime yet this year.

I will focus my attention on the reforms in this proposal that address the unsustainable growth of entitlements that the distinguished Senator from Maine earlier referenced. There are three pieces to this proposal that will be regarded by many as controversial and by many as impossible to do.

This chart is not a birthday cake here to my left, as the Senator from Louisiana joked earlier. This represents the kind of cuts that are going to be required in discretionary spending over the next 7 years. In the agreement just announced last night between the White House and the Congress, rather than cutting or raising taxes, we essentially sold 4.7 billion dollars worth of assets in order to be able to balance the budget—in order to be able to get an agreement, because nobody wanted to cut any deeper. Very few people want to cut deeper in discretionary programs. Next year, we will have to do 28 billion dollars worth of asset sales. By the time you get down to the seventh year under the President's balanced budget plan—let me applaud the President, I appreciate very much that he has a plan on the table because I think it is helpful—$91 billion in discretionary spending, defense and nondefense. It is impossible.

I do not think there is anybody in this body that can come up with a list of things they would cut today of $91 billion. What that means is we are kidding ourselves. What it means is if you do not want to raise taxes, you have to go under the entitlement programs to be able to take the pressure off of discretionary spending. Even still, as the bipartisan proposal shows, even still we are suggesting substantial cuts in discretionary programs that will be very, very difficult to implement.

My guess is these modest changes in entitlements that will be regarded as draconian and difficult, and there will be a wail of protest to change the CPI down one-half of 1 percent. That saves $100 billion over 7 years. We will hear all kinds of rationales and reasons why that cannot be done. All kinds of numbers will be put forth, and horror stories will be told as to why this change in the Consumer Price Index should not be enacted.

In the alternative, you will have to do this sort of thing, or even worse. For those who oppose it, those who say, ''No, I do not want to do it,'' the first question for the citizen needs to be, then, does that mean you support these deep cuts in education, these deep cuts in investment, deep cuts in defense, deep cuts in law enforcement? Is that what you are supporting?

You cannot merely oppose this. You have to come up with something that you will substitute in its place. Perhaps, the Member of Congress or the citizen supports a tax increase. Let them. Let them say so. Do not just stand and say, ''Gee, I do not want to adjust the Consumer Price Index because I will have an interest group or individual who says I do not want to take less.'' That is basically the formula here.

We are on a course, as the Senator from Maine described, as a meteorite. We are converting our Federal Government into a transfer machine. We have an unprecedented event that begins in the year 2008: The largest generation in the history of the country, the baby boom generation, begins to retire. It is not like anything we faced in the past. We cannot afford to wait until we reach crisis.

The second and third things that are done, we adjust the Medicare eligibility age to correspond with Social Security eligibility age, and we adjust civil and military service retirement age for future employees of the Federal Government of the armed services.

I hope to have a chance to come back as the coalition builds. I urge colleagues who will hear from citizens saying ''do not support the Consumer Price Index change, do not support Medicare eligibility change, do not support adjusting civil and military service prospectively,'' I urge my colleagues to keep the powder dry. In the alternative, this is the sort of thing you will end up having to support.

I applaud the junior Senator from Rhode Island, Senator CHAFEE, and the Senator from Louisiana, Senator BREAUX, for their leadership.

Mr. CHAFEE. I yield 3 minutes to the Senator from Washington.

Mr. GORTON. Mr. President, with a modest degree of courage and a generous share of good will, this bipartisan report may well be remembered as a landmark in political and economic history of the 1990's.

Personally, I never believed that we would reach the goal of a balanced budget except during the first 6 months of a new Presidency, in which that President made it his highest priority. In spite of that belief, last year we almost did so with a Republican proposal that would, in fact, have balanced the budget. That proposal was rejected by the President, but, nevertheless, it moved us forward on the right road. It was followed by a proposal by the President, and another by Democrats in this body, that moved the two sides closer together but still left a great gulf between them.

Now, working together, we do have a proposal before the body this day for a very real balanced budget, a very real balanced budget based on the reform of entitlements which are both expensive and expansive and which will ultimately destroy the financial security of this country. Modest in some areas, dramatic in other areas, yet, nevertheless, will do the job.

Now, Mr. President, to many people in the United States, all of whom basically support a balanced budget, it is, nevertheless, something of an abstraction—a good to be sought but not one well understood. Perhaps the most important part of this budget proposal is the dividend that it will pay not just to the Government of the United States but to the people of the United States. Perhaps as much as a quarter of a trillion dollars will end up being saved by the Federal Government in lower interest payments on the national debt and in greater revenue collections from a more healthy and vibrant American economy.

At least three times that much will be paid in a dividend to the American people in lower interest rates on their homes and on their automobile purchases and in higher wages from more and better jobs. A good estimate will be that every family, the average family in the United States, will be $1,000 a year better off if we do this than if we do not do it. Of course, if we do not do it, the downside over the decade will be immense.

We owe a great debt of thanks to the two JOHNS, Senator CHAFEE and Senator BREAUX, who have led this effort, but leading it to success will require that courage and that good will.

Mr. BREAUX. How much time on our side remains?

The PRESIDING OFFICER. The Senator has 9 minutes and 40 seconds.

Mr. BREAUX. I yield 3 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from Louisiana and my friend and colleague from Rhode Island for the leadership of this group.

Mr. President, it has been an honor and a pleasure to participate in this bipartisan group to achieve a balanced budget.

This group has been meeting for nearly 6 months in an effort to come up with a budget that balances in 7 years.

We started with the premise that coming to balance in a bipartisan way is not an impossible task. But, it certainly was painful at times. The cost of not pressing ahead to come to balance will hurt even more in the long run. And I very much believe the economic benefits of trying to come to balance make those tough decisions about slowing spending that much easier.

I am particularly pleased with the efforts this group has made to address the growth in entitlement programs in both the short and the long term. Some of these changes will produce no savings in the 7-year budget window we are talking about. But they are much needed reforms and they will save a lot of money in the longer run.

The package we are discussing here today contains smaller cuts in discretionary spending than any of the other major budget balancing plans that have been presented to date. The discretionary spending cut number contained in this plan is far more realistic than the numbers that have been floated in other plans. As we all know, these spending cut targets will need to be met year by year through the appropriations process. As any member of the Appropriations Committee can tell you, making dramatic cuts in discretionary spending is like trying to get water from a stone. There is just not a lot of slack there anymore.

We need to go where the money is and that is in the explosive growth in entitlement spending. If we don't get a handle on this spending, we can forget about doing all of the things we believe the Federal Government ought to do. Things like improving education and building roads. Like providing for a national defense. Like keeping our air and water clean. As Matthew Miller observed in the New Republic, ''At this rate, by 2010, when the baby boom retires, entitlements and interest on the debt will take up all available revenue, meaning there won't be a cent left for the FBI, the Pentagon, (or) the national parks . . . Nor will there be a dime to bolster our lagging R&D, education and infrastructure investments, where we've trailed Germany and Japan for years.'' That is just the beginning. As Miller points out, ''Then if it's possible, things get worse.''

The critical need to control entitlement spending in this bill is growing. We learned earlier this week that Medicare's Hospital Insurance Program lost $4.2 billion in the first half of this fiscal year. This trust fund, which pays hospital bills for the elderly and disabled, lost money for the first time last year since 1972. But the loss last year was $35.7 million for the year, not $4.2 billion for half the year.

The bipartisan plan adds an element of fairness to the voluntary portion of Medicare. We ask those who have more to pay more for this valuable benefit. The group has looked at recommendations made by the Boskin Commission on adjusting the consumer price index. That commission believed the adjustment should be in the neighborhood of 0.7 to 2. By this measure our proposal is cautious in its recommendation of less than a 0.7 change in the CPI.

We have also consolidated the existing welfare programs into a block grant to States which will give States the flexibility they need to come up with innovative ways to help get the poor out of the welfare system and into the capitalist system.

This budget package also contains a number of important tax provisions. We have included $130 billion in tax cuts in our package as well as $25 billion in corporate loophole closers. It is no secret that not everyone believes we need a tax cut at this time. Indeed, not everyone in the bipartisan group believes now is the time for a tax cut but we all recognized the need to compromise if we intended to put together a package that could actually pass. Personally, I think it important to include tax cuts, particularly in the broader context of why we want and need to balance the budget. Probably the most compelling reason for us to balance the budget is to minimize the dissaving which budget deficits represent. With an unsettlingly low savings rate in this country, the last thing we need is to add to that problem through government deficits. We very much need to boost savings and make that money available for investment which is essential to improving productivity, competitiveness and ultimately to creating jobs and increasing real wages in this country. I am delighted that the tax package we have put together contains genuine incentives for savings and investment and I think such a package adds to, not detracts from, this budget proposal. In the interest of full disclosure, I should also reveal that my home State of Connecticut labors under the highest per capita tax burden in the country, making tax relief all the more important to me.

In particular, the bipartisan tax package contains a variation on a proposal that Senator BOB KERREY and I have been working on, called ''KidSave.'' The bipartisan package allows parents to take a $250 credit for each of their children under the age of 17. However, if a parent agrees to set aside their credit in a retirement savings account for their child, that credit is doubled to $500. These retirement accounts would follow virtually all IRA rules with one exception: We would allow children to borrow against them for their higher education.

Thanks to the wonders of compound interest, $500 a year invested for 17 years in a child's name at 10 percent growth a year, the average growth over the last 70 years, will yield over a million dollars by the time the child reaches age 60. That's great news for parents and kids. And it is also great news for our economy since we need to take strong steps to increase our drastically low savings rates. The bipartisan proposal would also allow parents whose income exceeds the income limits on the credit to set aside up to $500 in after-tax dollars in a KidSave account and reap the benefits of the tax-free build-up of these dollars. Under current law, it is very difficult to set up an IRA for a child since most children do not have the earned income needed to qualify for a retirement account.

The bipartisan proposal also contains a 50-percent reduction in the capital gains tax for individuals as well as a drop in the corporate capital gains rate to 31 percent. This section also allows for the deduction of a loss on a personal residence sale and a 75-percent capital gains exclusion for qualified small business stock. These proposals are very similar to those contained in S. 959, a bill I have cosponsored with Senator HATCH from Utah. We should all keep in mind that the benefits of a capital gains cut will flow to millions of Americans of all income groups—to anyone who has stock, who has money

invested in a mutual fund, who has property, who has a stock option plan at work, who owns a small business. That represents millions of middle class American families. And these are just the direct beneficiaries, not even counting the many middle and lower income people who will get and keep jobs thanks to the investments spurred by a capital gains tax cut.

In addition, our proposal expands the availability of tax deductible IRA's and allows for penalty-free withdrawals from those accounts for a number of reasons. We have also included two higher education tax incentives, some significant AMT relief, estate tax relief, an increase in the self-employed health deduction to 50 percent and an extension of the expiring tax provisions.

Taken together, these tax cuts will encourage investment and savings which will in turn stimulate economic growth in this country. That growth will generate jobs and those jobs will generate greater revenues. And of course, that revenue will make it easier for us to balance the budget.

When all is said and done, I believe this is a thoughtful and meaningful set of tax provisions. They are part of a larger budget package which is thoughtful and meaningful as well. I hope that this Chamber will consider taking up this package, or something quite similar to it, in the weeks and months ahead. To not do so, would be passing up a tremendous opportunity. I hope we won't do that and I would encourage my colleagues to join us in our effort to move this bipartisan budget forward.

Mr. President, it is April 25, 1996, and we are pleased to note this morning that our respective leadership and the White House have agreed, 7 months into fiscal year 1996, on a budget for fiscal year 1996.

This is unprecedented and obviously regrettable. It has been tumultuous for those who work for the Federal Government. But, on the other hand, I would like to think that all of us have learned something from the travails of this year, the long and twisted path that we have followed, to finally be at a point where we can adopt a budget for fiscal year 1996. I hope we will take what we have learned and apply it to the broader challenge and opportunity we have to adopt a program to take us to real balance by a date certain.

Can we do it? Well, 22 of us are here this morning, Republicans and Democrats who worked side by side, dropping our party labels and agreeing that we are all Americans, and that we have a common problem here, which is to take our country out of debt and to thereby help our economy grow. This group of 22 was able to do it. And we hope that this proposal that we are presenting this morning will filter out to our colleagues in both parties and up to the leadership of the Congress and the White House to give them the confidence that they, too, can work together to bring our budget into balance. This is exactly not only what America's future demands, but what the American people want today.

Mr. President, I want to focus for a moment on the provisions of this package that deal with tax cuts. Tax cuts are controversial. Some people say—particularly on my side of the aisle—''Why have tax cuts if you are trying to balance the budget?'' But this group, wanting to present our colleagues with a package that had a chance of passage, included substantial tax cuts—$130 billion in tax cuts over the 7 years. I believe very strongly that these tax cuts are consistent with our aim of balancing the budget and, particularly, consistent with the desire that drives the movement to balance the budget. And that is the desire to get America growing—to create and protect jobs for average working Americans.

We have in here a capital gains tax cut, a 50-percent cut on the individual side, one that I think will unleash billions of dollars of capital in the private sector and create the kind of momentum that can raise our national rate of growth from the anemic place we have been, up a half point, up a full point, to create millions of new jobs and greater wealth in our country.

Mr. President, we have some incentives here for greater savings, expanded individual retirement accounts. And, Mr. President, we have some relief for the middle class. People talk about wage stagnation of the middle class. What is the best way to help overcome that wage stagnation? Put a little more money in the pocket of working families with children. Under our plan, parents can take a $250 credit for their children or agree to set that money aside in a KidSave account for that child's higher education and retirement and receive $500.

Mr. President, this is a good, strong program. These tax cuts are a vital part of it.

I yield the floor.

Mr. CHAFEE. Mr. President, I yield 3 minutes to the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, as I stand here today with my colleagues discussing a new plan to balance the budget, I can guess what many Americans are probably thinking: ''Here they go again.''

The budget has been the catalyst driving our agenda for more than a year, from our vote on the balanced budget amendment to the debates over the budget resolution, budget reconciliation package, and annual spending bills. Haven't every one of us, Republican and Democrat, stood up on this floor and professed—repeatedly—our support for a balanced budget? Why then don't we have a balanced budget?

I can guess something else Americans are thinking, because I hear it from many Kansans: We should run Government as we'd run a business, and balance our books. I agree, Mr. President, but it is more complex than that, for better or worse, and it is part of the reason we still do not have a budget agreement.

When we discuss the Federal budget, we are discussing more than a ledger sheet. We are discussing national priorities with real consequences, and we do not all agree on the priorities or their consequences. Finding middle ground becomes a challenge of its own. Yet we cannot allow the enormity of our task—or the controversy surrounding it— to scare us away from trying to restore sound fiscal policy.

Because we are discussing an endeavor of broad national significance, I do not think we can overemphasize the importance of fairness. The vast majority of Americans say they are in favor of balancing the budget, whether or not they realize what it means for programs they might like. We all talk about tough choices here, but I think we have seen that Americans are not likely to accept those tough choices unless they are convinced they also are fair. And that is what this budget is—tough but fair.

It is tough on welfare, placing a 5-year lifetime limit on benefits. But it also keeps a safety net in place for children. For example, we would allow States to ease work requirements for parents who cannot find child care for children who are not yet school-aged. In my mind, Mr. President, that's fair.

Neither is the plan selective in its toughness. One thing we all hear when we talk to constituents is that Congress must not exempt itself from these tough choices. I agree, and have been pleased to see us turn a discerning eye on ourselves—foregoing, for example, our automatic cost-of-living increases for 3 years running, as well as reducing overall spending for the legislative branch by 9 percent last year. This budget proposal, which calls for increases in retirement contributions from Federal agencies and employees, also reforms judicial and congressional retirement by conforming their accrual and contribution rates to those of all other Federal employees. Once again, a necessary and fair step.

This budget is tough but fair when it comes to discretionary programs as well. By holding discretionary spending to a level slightly below fiscal year 1995 for the next 7 years, we can achieve savings without crippling important programs, from education and crime control, to housing and transportation. In any case, it is not discretionary spending that poses the real long-term challenge to balancing the budget. That challenge comes from rapidly growing entitlement programs.

We do not ignore that challenge in this budget, making significant reforms to small and large programs, including Medicare and Medicaid. Both of those vital programs would continue to grow, but at a more manageable pace. And the way we would find savings would be fair. From Medicare, for example, we have found a balance between reforms that affect providers and those that affect recipients. Throughout this process, I have said that we

should not go too far in cutting provider payments. If we do, we cannot expect that Medicare beneficiaries will continue to have access to high-quality health care services, especially in rural settings.

Our budget proposal is tough on taxes, too, eliminating unnecessary deductions and making other tax reforms to save $25 billion. We would give the Internal Revenue Service authority to deduct payments from the Federal wages, retirement checks, or Social Security checks of delinquent taxpayers. That is a tough proposal, Mr. President, but it is only fair to millions of conscientious Americans who faithfully pay their taxes.

Those reforms and others in our package allow us to propose modest but important tax cuts to middle-class families in the form of a $250-per-child tax credit. The credit could be increased to as much as $500 if parents contribute to an individual retirement account in their child's name. The package includes deductions for educational expenses and the interest paid on student loans, and it also offers important incentives to investment and growth.

A few years ago, I worked on another bipartisan piece of budget legislation, that time with Senator GRASSLEY and Senator BIDEN. You might recall that we would have frozen all Federal spending for 1 year. We did so knowing at the time that such a proposal might be viewed as austere or even rash, but then, as now, our budget crisis warranted a bold step. The idea of fairness, of every program contributing its share toward a goal that eventually would benefit them all, was appealing to me, as it was to many Americans.

This budget proposal, while not taking the shape of a formal freeze, retains that appeal for me. It is a budget that calls for shared responsibility, that neither heaps the burden of that responsibility on a single group nor exempts others from doing their share.

Moreover, the shared responsibility will pay off in the end. The tough choices we make today will preserve fundamental programs for the future. But the longer we delay, the more drastic the steps will become to keep even the most essential services viable. Senator SIMPSON talked about this on the floor earlier this week, as he and Senator KERREY have many times before. If we do nothing, in less than 20 years our choices will be made for us, because by then, all of our revenues will be consumed by mandatory spending. We will be forced to react with huge tax increases or draconian entitlement spending cuts. Then, our choices will not be tough—they will be impossible.

We can avoid that impossible situation. There is no denying that this bipartisan budget is tough, but it is fair—fair to seniors, fair to working families, fair to people struggling to get back on their feet, and above all, fair to our young people and our future. For them, the ultimate in unfairness is inaction. Let us be fair to them and consider this budget proposal as a serious step toward fiscal responsibility.

Mr. President, I commend Senator CHAFEE and Senator BREAUX, who have long been guiding lights in attempting to pull together a bipartisan effort for a balanced budget. I am sure there are many eyes that glaze over at this point as we talk about a budget once again and a balanced budget and say, ''Here they go again.'' But I would like to suggest, Mr. President, that this was a missed opportunity. We must pull together to lay out a roadmap for our country in the future, because everyone desires sound fiscal policy and wants to see our goal of a balanced budget. A budget is a catalyst that really sets our agenda. It establishes our priorities. It provides a roadmap.

Some people say, ''Well, why can you not get to a balanced budget? We have to balance our budget in our businesses. We attempt to balance our budgets in our homes. Why, then, do we not have a balanced budget?''

I think that one of the reasons is that when we discuss the Federal budget, we are discussing more than a ledger sheet. We are discussing national priorities with real consequences, and we do not all agree on the priorities or the consequences. Finding middle ground becomes a challenge to everyone. Yet, we cannot allow the enormity of our task or the controversy surrounding it to scare us away from trying to restore sound fiscal policy.

What I believe the initiative does that we have before us in this budget presentation is fairness and tough choices. It touches everybody, and that, perhaps, is one of the reasons that I think we can come together and say we have not set one group or another group aside. It makes changes that will affect everyone. This takes us to a balanced budget.

Is it important to us today, as we struggle with many issues, but all issues really are reflected in our budget. I think, most of all, what it says is that we can accomplish something here and accomplish it in a fair way, a tough way, and a bipartisan way. It will be in the best interest not only of today, as we provide priorities and initiatives in our policies, but for the future.

I suggest, Mr. President, that if we fail now, we will have failed for the future generations. That is why I think this is a monumental opportunity and a challenge.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. I yield 5 minutes to the distinguished Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to add my words of thanks to the Senator from Rhode Island, Senator CHAFEE, and the Senator from Louisiana, Senator BREAUX, who led this effort to address what I believe is the most important question facing America.

What we do here will largely determine the economic future for us and for our children. That is the stakes of the debate that we have embarked upon.

Mr. President, the hard reality is that we are facing a time bomb in this country. It is a demographic time bomb. It is the time bomb of the baby boom generation. The baby boom generation begins to retire very soon now. They are going to double the number of people who are eligible for Social Security, for Medicare, and the other entitlement programs.

We know what that means. There is no mistaking the future if we fail to act. The Entitlements Commission told us clearly, if we stay on our current course, by the year 2012, every penny of the Federal budget will go for entitlements and interest on the debt. There will be no money for roads. There will be no money for defense. There will be no money for parks. There will be no money for item after item that is important to the American people.

Mr. President, the Entitlements Commission also told us that if we fail to act, future generations will face either an 80 percent tax rate—an 80 percent tax rate—or a one-third cut in all benefits. Mr. President, that is a catastrophe. We have a window of opportunity—a narrow window of opportunity—to get our fiscal house in order before that calamity occurs. Our generation will be judged based on how we respond.

Mr. President, future generations will curse our generation if we fail to act. What this group has said is there is a way. We can do it. We have demonstrated the way. On a bipartisan basis, 22 Senators came together and wrote a plan that will strengthen the economic future of America.

Mr. President, it will mean more savings, more investment, stronger economic growth, more jobs, and a brighter economic future for our children. We can do it. We must do it. We have the opportunity to do it, if we have the courage to escape our narrow, political, partisan trenches that have prevented us from doing what must be done.

I thank the Chair and yield the floor.

Mr. CHAFEE. Mr. President, I have a little bit of time. Whatever time I have left I yield to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield 2 minutes to the Senator from California. We are going to do this again, I say to my colleagues, hopefully on Tuesday morning,

I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, having been in this body for 3 years, one thing has become a truism for me with respect to a balanced budget. If it is a Republican plan, the Democrats are going to oppose it. If it is a Democratic plan, the Republicans will oppose it.

We have traveled various roads to get there over the last year, but we have

stumbled in our efforts to make some very difficult choices and there will be a heavy price to pay for these mistakes.

But the ultimate price will be paid by the American people—our children and grandchildren—if we do not put our economic house in order.

Therefore, it seems to me that, if we believe what the distinguished Senator from North Dakota just pointed out—and I do—that for the sake of our future and our children's future, we must act and act now. If we fail to take this opportunity to change the unsustainable present course, the next generation will face either an 82-percent tax rate or we will be cutting benefits by 33 percent across the board.

What is clear to me is that the only way to solve the problem is in a bipartisan way. Therefore, I, too, want to salute the Senator from Rhode Island and the Senator from Louisiana for their leadership because without it you would not have a document to which 11 Republicans and 11 Democrats now subscribe.

The U.S. Government has not balanced its budget since 1969. Since then, the Federal debt has risen to $5 trillion. Interest on the debt alone is over $260 billion a year.

By one measure, all the personal income tax paid by people living West of the Mississippi wouldn't even pay the interest on the debt.

Today, the two fastest growing parts of the budget are: First, entitlements, such as Medicaid, Medicare, Social Security and Federal retirement programs, and second, interest on the debt.

I think all one has to do is take a look at expenditures of the Federal Government. In 1969, entitlements were 27 percent of the budget. In 1995, entitlements were almost 52 percent of the budget. Therefore, in the future, entitlements by the year 2003 and net interest on the debt alone will total more than 70 percent of the outlays.

Discretionary spending—the budgets for the Department of Justice, NASA, Veterans' Affairs, the Environmental Protection Agency, to name just a few—has shrunk from 21.3 percent of the budget in 1969 to 18.2 percent in 1995, and we are continuing to cut. Our discretionary spending has been brought under control, but entitlement spending has not.

What these charts tell you, is that, if we don't reign in the cost of entitlement programs, we could not cut enough discretionary spending to balance the budget.

Even if we eliminated the entire Departments of Justice, Health and Human Services, Education, Agriculture, Veterans Affairs, Transportation, the Environmental Protection Agency, and NASA—we couldn't balance the budget without cutting entitlements.

So this is the problem we have been trying to solve. And it's not academic—the budget deficit is a problem that affects people.

Increases in the Federal deficit mean higher interest rates. It means buying, or refinancing a home costs more. It means borrowing money for business, school or a new car is more expensive.

It saps the private sector's ability to borrow funds in order to grow and create jobs and when businesses can't borrow money to modernize or expand productivity—the economy and employment suffer. Small businesses, who don't sell stock to raise money and may have to borrow to fuel growth, are the ones who suffer the most.

The Centrist Coalition proposal balances the budget from the middle, drawing from Republicans and Democrats alike.

The Centrist plan provides targeted tax cuts of $130 billion—not as much as the Republicans wanted, but more than the administration offered—aimed at helping families, such as a ''KidSave'' a child tax credit coupled with an IRA, other IRA reforms, and tax breaks for education.

It includes tax provisions to encourage economic growth, like capital gains reform for businesses and individuals, and the extension of the R&D tax credit.

It provides an estimated $154 billion in savings from Medicare—again, not the steep cuts in the Republican proposal, but farther than the Administration was willing to go.

It saves an estimated $62 billion in Medicaid, and $54 billion in welfare spending—providing more latitude for States to further our goals of reform, but retaining Medicaid as the health insurance safety net for elderly, the disabled, AIDS patients and low-income Americans.

The Centrist plan maintains Federal quality standards and enforcement mechanisms in nursing home care, such as required staff-to-patient ratios and commitments for patient privacy.

Balancing the budget is an exercise in setting priorities. This plan may not have everything I want. It includes some things I do not support. However, this plan achieves our goal of balancing the budget in 7 years, and represents a strong, bipartisan effort to do what s right—reigning in spending, protecting our most vulnerable citizens, and investing in our future. This is a fair and good plan. I am very pleased to support it.

I thank the Chair.

Mr. BREAUX. Mr. President, I yield 1 minute to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I will try to take less time than that.

I congratulate Senator CHAFEE, Senator BREAUX, and others who have worked on this proposal. It is truly a bipartisan proposal. This is the last train in town. If this does not go, if we do not get people to rally around this, then we are not going to get a deal this year. It does not have to be every word of this. But this is a framework, and I think our colleagues recognize that.

Mr. President, I will add one other word. If we get the balanced budget for 7 years, as this proposal would do, we have still a long way to go. This Congress and this country has to look at a 20- to 30-year fiscal picture. We will have to set in motion things now that can be implemented very gradually and very slowly. We have to reform Social Security. We have to reform Medicare. We can do it very gradually where people do not get hurt, and also for those who are near retirement and certainly for those who are already retired. But we have to address it for generations. To balance the budget by the year 2002 is not enough because it can get out of balance right after that and be back in the same picture.

I thank the Chair. I particularly thank Senator CHAFEE and Senator BREAUX for their sterling leadership.

Mr. BRYAN. Mr. President, as one of the original 22 members of this bipartisan coalition, I support of the Centrist Coalition's 7-year balanced budget proposal as a sound, moderate approach to a problem begging for a solution.

Mr. President, this balanced budget proposal came about because evey member of the bipartisan coalition took it upon themselves to find a solution to the budget impasse that grips this country. During last year's budget cycle, responsible spending decisions were buffeted about by the winds of political rhetoric. This group of Senators is concerned about the future of this country, and about what failure to balance the budget today can do to burden the lives of our children and grandchildren tomorrow.

Our coalition considered a number of balanced budget proposals. We looked at the President's budget proposal, the National Governors Association's budget recommendations, and at the House and Senate versions of the budget bill. We included elements of each proposal in our final plan.

We took the time to hammer out a bipartisan compromise on every facet of the Federal budget. I believe this plan represents the greatest chance this country has to enact balanced budget legislation.

Our burgeoning Federal debt is the greatest crisis facing our Nation today. It is gobbling up our savings, robbing our ability to invest in infrastructure and education, and saddling our children with an enormous bill that will eventually have to be paid. The interest payments on the debt consume dollars that could otherwise go for urgent needs such as infrastructure and education.

As late as 1980, our national debt was less than a trillion dollars. A decade later it had more than tripled and today exceeds 4.9 trillion. Simply limiting the Government's ability to borrow is not enough to achieve deficit reduction or to control the compounding interest on the national debt. According to CBO, ''significant deficit reduction can best be accomplished by legislative decisions that reduce outlays or increase revenues.''

When I took the oath of office in 1983 as Governor of the State of Nevada, the Nevada State Constitution required a balanced budget. The necessary, excruciating task of balancing the State budget took strong executive and legislative leadership. Those tough decisions were made, and each year the State budget was balanced.

Nevada is not alone in requiring a balanced budget; in fact, many States across the Nation require Governors to submit, and legislatures to pass, budgets that reconcile revenues and expenditures. It is time that the Congress and the President come together and make the tough decisions that are required for fiscally responsible governance.

Not only is the Federal debt itself a problem, but annual interest payments on the national debt are devouring precious Federal dollars. For more than a decade, Congress and the President have had a credit card mentality—buy goods and services today, worry about the payment later. The public must share some of this blame as well, because there are constant objections to cutting Government programs. When the bill comes due, make that minimum payment and keep charging away. As any consumer knows, if you only make the minimum payment and continue to charge, you will never pay off the balance. The finance charges will just keep accruing. Unlike real life, however, the use of this Government credit card is never denied and the amount of debt continues to grow unchecked.

History has shown that nothing is more desired and nothing is more avoided than the will to make tough choices. The last time our Federal budget was balanced was 1969.

The Centrist Coalition's balanced budget plan is fair; it restructures and reforms Federal programs that are inefficient, in addition to scaling back spending. We want to make sure we get the most bang for the Federal buck.

For instance, our balanced budget plan preserves Medicare and protects its long-term solvency. We expand the choices for Medicare beneficiaries by allowing them to remain in the traditional fee-for-service Medicare Program or to choose from a range of private managed care plans. By creating a new payment system for managed care and by slowing the rate of growth in payments to hospitals, physicians, and other service providers, our plan extends the solvency of the Medicare trust fund.

Our Medicaid reform plan protects the most vulnerable in our Nation. We incorporated a number of the National Governors Association's recommendations regarding enhanced State flexibility, while maintaining important safeguards for the Federal Treasury and retaining the guarantee of coverage for beneficiaries. Our Medicaid funding is based upon the population of covered people in each State, thereby ensuring adequate Federal funding in economic downturns. Our plan maintains a national guarantee of coverage for low-income pregnant women, children, the elderly, and the disabled. We allow States to design health care delivery systems which best suit their needs without obtaining waivers from the Federal Government. Under this plan, States can determine provider rates, create managed care programs, and develop home and community-based care options for seniors to help keep them out of nursing homes.

Our welfare reform language includes strong work requirements and child protections. The welfare reform package includes many of the National Governors Association's recommendations; it is also based on the welfare reform bill that passed the Senate overwhelmingly last year by a vote of 87 to 12. This package calls for tough new work requirements, a time limit on benefits, a block grant to provide maximum State flexibility while ensuring recipients are treated fairly, increased child care funding to enable parents to work, and a contingency fund to backstop States during recessionary times. Finally, our plan preserves the important safety net of food stamp and foster care programs.

Included in our plan are provisions for tax relief to hard-working families. Our plan establishes a new $250 per child tax credit for every child under the age of 17. We have expanded the number of families eligible for tax deductible IRA's. We also provide education incentives, the first of which is an income tax deduction of up to $2,500 for interest expenses paid on education loans. The second incentive is an income tax deduction for qualified education expenses paid for the education or training of the taxpayer, the taxpayer's spouse, or dependents.

We have cut the capital gains tax by 50 percent for individuals, and reduced the current maximum rate for corporations to 31 percent. We provide needed economic assistance to small businesses by an estate tax exclusion on the first $1 million of value in a family-owned business; and by increasing the self-employed health insurance deduction to 50 percent. Furthermore, our plan closes 25 billion dollars' worth of unjustified tax loopholes.

Our plan reforms the Federal Housing Administration's home mortgage insurance program to help homeowners avoid foreclosure and decrease losses to the Federal Government. It also limits rental adjustments paid to owners of section 8 housing projects.

This budget plan provides for discretionary spending reductions that can actually be achieved. The plan proposes a level of savings which is only $10 billion more than a hard freeze in these programs, ensuring adequate funds for a strong defense and for critical investments in education and the environment.

Finally, this plan provides for an increase in Federal retirement contributions from both agencies and employees through the year 2002. This plan adopts the judicial and congressional pension reform provisions that were based on a bill I introduced, and that were included in last year's reconciliation bill.

I fully support the Centrist Coalition's 7-year balanced budget plan. While I may not agree with every provision in it, I have accepted those provisions in the interest of the greater good to come of its passage. After the disastrous budget standoff of the past year, it is readily apparent that compromise is the only game in town when it comes to getting real work done in Washington. I am proud of the efforts and sacrifices may colleagues have made to put this balanced budget together.

Mr. BREAUX. Mr. President, I yield the remaining time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BREAUX. I ask unanimous consent for 1 additional minute and that I be able to yield that minute to the Senator from Virginia.

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

Mr. ROBB. Thank you, Mr. President.

I am delighted to join my colleagues on both sides of the aisle in presenting this particular balanced budget today. I think it is a clear, good-faith attempt to make responsible but difficult choices that are going to have a very significant impact on the future of this country. If we are not willing to make those choices, those difficult choices honestly, the protracted debate and the gridlock that we have experienced is simply going to continue.

I commend Senator CHAFEE, Senator BREAUX, and all of those who have worked with them in attempting to deal with this extremely difficult and challenging matter.

I am pleased to be a part of that effort.

Mr. President, I am pleased to join my colleagues in discussing the merits of this bipartisan plan to balance the Federal budget. I believe this plan is an example of what can be accomplished when we put aside partisan politics and focus instead on serious questions of public policy.

Late last year, in the midst of a prolonged Government shutdown and a breakdown in budget negotiations between the Republican leadership and the Democratic administration, Senators CHAFEE and BREAUX convened a bipartisan meeting of Senators who were committed to finding enough common ground to balance the Federal budget.

Finding common ground required Democrats in the group to accept larger entitlement reductions and Republicans in the group to agree to a smaller tax cut. We had hoped that our coming together on a budget outline we could all support would jump-start the stalled negotiations.

When it became clear that the Republican leadership and the Democratic administration could not bridge

their policy differences, we dedicated ourselves to translating the budget outline we had developed into a full blown legislative plan, and that is what we have presented to our colleagues today.

We are not here to suggest that this is the only way to balance the budget. We're here to illustrate that a balanced budget plan can be drafted from the middle of the political spectrum and driven by policy. Regardless of the outcome of the balanced budget debate, I think it is important that we demonstrate to the administration, the congressional leadership, and the American people what a bipartisan budget compromise would encompass.

One of the biggest differences between this bipartisan plan and either the Republican or Democrat plans is that both of their last offers reached balance on paper by relying on deep cuts in discretionary spending—cuts that would require future Congresses to make far tougher choices than any recent Congress has been willing to make. You only have to look at this year's appropriations process to realize that future cuts of the magnitude proposed by the current plans are both unwise as a matter of policy and unattainable politically.

There's no question that if we make these cuts on the defense side of the ledger, we can't possibly maintain our ability, as the world's sole remaining superpower, to protect our own shores, much less help defend freedom, and maintain peace throughout the world.

Yet, if these reductions can't be made in defense—far and away the biggest item in discretionary spending—where can we make responsible reductions of this magnitude in discretionary spending? In transportation infrastructure? In research and development? In education? In job training? In medical research funding? Do we cut mine safety inspectors, or air traffic controllers or those who ensure the safety of our food and maintain the quality of our air and water?

Fortunately, the members of our group have not only chosen a more realistic and achievable discretionary path over the next 7 years, but we have done so to protect these types of important investments, investments which are critical to raising future productivity, growth, and incomes. We are dedicated to the belief that we should not sacrifice these investments at the expense of taking on politically popular entitlement programs.

And protect discretionary spending we must, since entitlements and interest on the national debt are rapidly edging out discretionary programs in the battle for scarce federal dollars. Entitlements and interest on the national debt are projected to account for 70 percent of our budget by the year 2002, up from 30 percent in 1963. Most disturbing of all, it is projected that entitlements and interest on the debt will consume the entire Federal revenue base by the year 2012.

With such staggering expansions of entitlements on the horizon, significant entitlement reform has to be at the heart of any serious balanced budget effort. This budget makes meaningful—but fair—reductions in entitlements like Medicare, Medicaid and welfare while also seeking to protect our most vulnerable citizens. And it requires Medicare beneficiaries who can afford to pay more to make a larger—and more reasonable—contribution to the Medicare Program.

For many of us, the most important part of this plan is its downward modification of the consumer price index, which controls cost-of-living adjustments for entitlement programs and tax bracket indexing.

A report of the Senate Finance Committee indicates that the present value of the CPI overstates the actual rate of inflation by somewhere between 0.7 and 2.0 percent. By making a CPI adjustment, we are better able to control the future costs of entitlement programs, including Social Security, which has up until now been left off the table by both Republicans and Democrats alike.

From a policy perspective, a CPI modification is absolutely the right thing to do since it restrains future entitlement costs, thus helping to protect the discretionary side of the budget from unwise reductions in the future. But it is understandable, given the approaching political season, that the modification has become a political hot potato for both sides, subject to an attack from Republicans as a backdoor tax increase and from Democrats as a Social Security cut.

As I look back on the events of the last 6 months and ahead to the Presidential campaign, I sense that political considerations are again costing us an important and historic opportunity to begin to address our long-term budget problems.

And if we are ever to make serious headway on these matters, I am more convinced than ever that the American people don't need to see important issues of public policy demogogued anymore. They don't need to see interest groups fired-up to wage war against responsible change. The American people need to hear and understand the truth about the sources and seriousness of our long-term budget problems.

Patrick Henry once said, ''for my part, whatever anguish of spirit it may cost, I am willing to know the whole truth—to know the worst and provide for it.''

Only by separating the truth from the rhetoric can we balance our Federal budget the right way. And the anguish will be a lot less if the sacrificed is shared—and if we summon the courage to act now. For if we fail to act—and if we continue down the path of cowards—we will guarantee for our children, not the bright future we inherited, but the dark responsibilities we refused to accept.

I thank my colleagues for the time to speak and the chance to be a part of the Centrist Coalition. I hope that this will be the start, not the end, of our efforts to bring bipartisan and commonsense solutions to the legislative issues of our day.

With that, Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak for up to 5 minutes.

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

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1702 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Colorado.

Mr. BROWN. Mr. President, I understand we are in morning business?

The PRESIDING OFFICER. That is correct.

THE CHAFEE-BREAUX BUDGET PROPOSAL

Mr. BROWN. Mr. President, I rise to make very brief comments, and I will make them extremely brief because I know my friend from Connecticut has been here waiting, with regard to the Chafee-Breaux budget proposal.

Mr. President, as I see it, the simple facts are these. This country urgently, desperately needs legislative action to ensure the soundness of the Medicare funds, to ensure the soundness of a variety of other trust funds. I do not think anyone objects to that. I should say more precisely I do not know that anyone disputes that fact, that we need strong and urgent action to put those on track.

Second, I do not think anyone doubts that we have an enormous problem with the deficit. We are not just the world's biggest debtor, but we see a problem that seems very difficult for Congress to solve.

Third, I think it is quite clear to everyone involved that we need a bipartisan budget. The simple fact is this Congress acted in what I thought was a responsible way, in I think a moderate way, in trying to address the budget problems. We passed a budget last year. We passed a reconciliation act that had enormous progress for the country in moving these funds into solvency, and it was vetoed by the President. We have been unable to reach an agreement with the President.

Whichever side you take in that controversy, the reality is nothing got done in terms of long-term reconciliation. It is my belief that nothing is going to get done unless we have a bipartisan approach. So I rise to speak for that budget, not because I like it better than what this Congress did. I do not. I think what this Congress did in reconciliation is much better and much more responsible. As a matter of fact, I

do not think it went near far enough. But the only way we are going to have progress in that area, the only way we are going to begin to address these problems with this Congress and this President is to go with a bipartisan budget. It is my belief that will put the President in a position where he has to go along with the Congress if we have a budget that has strong bipartisan support.

The Chafee-Breaux budget's value is it is real. The numbers are real, and the savings are real. Second, it has a very significant long-term effect in dealing with the trust funds, perhaps even better than other alternatives we have looked at. And third, Mr. President, it is the only game in town. It is the only bipartisan effort that we have on the table. It is the only way we are going to make progress.

Is it less than what I would like to see? Absolutely. I do not think it goes near far enough in dealing with our problems. It is clear, significant progress. And without it, without moving that bipartisan budget, I suspect we will find that we have put off dealing with one of our most serious problems.

I yield the floor, Mr. President.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

THE PRESENT SITUATION IN HAITI

Mr. DODD. Mr. President, last Friday, the majority leader, Senator DOLE, took to the floor and made a rather critical speech of our present policy in Haiti. He introduced at that time a report which was prepared by a Republican staff delegation that had gone down to Haiti during the Easter recess. I think the report probably could have been written a week or two in advance of the trip and the trip might not have even been necessary since there was not any real effort to examine the issues in Haiti and what has happened there over the past 18 months or so.

This morning I wish to take a few minutes to apprise my colleagues of how I see the present situation in Haiti. Where we have come over the past number of months in making real progress there. The good news is, of course, that Haiti is not in the headlines on a daily basis but there has been significant progress.

I think it is important that my colleagues and others who have heard Senator DOLE's remarks have an opportunity to hear another point of view, and that is what I would like to do this morning.

I am no stranger to Haiti. I have visited the country many times over the years. When I was a Peace Corps volunteer 30 years ago, I lived very close to the Haitian border in the Dominican Republic. I visited Haiti often in those days and still have many close friends in the country of Haiti.

Most recently, I visited Haiti this past January to make my own first-hand assessment of the political situation. Based upon that visit, and the many others that I have made over the years, one thing is crystal clear. President Clinton's decision in September 1994 to support democracy in Haiti was the right thing to do. Whatever else one might say about United States policy, Haiti is a far, far better place today than it was 19 months ago.

Remember what those days were like. The reign of terror was the order of the day. Murder, rape, and kidnaping were daily occurrences in Haiti, all in an effort to intimidate the Haitian people. Those days are gone now. And, despite the fact that Haiti is a long way, a long way from becoming a Jeffersonian democracy, we are not going to rewrite almost 200 years of Haitian history in less than 2 years—I believe that today the Haitian people are one step closer to fulfilling their aspirations of living in freedom and dignity without fear of their Government.

An important phase of our Haiti policy came to a close just a month or so ago. U.S. forces are no longer participants in the United Nations mandated mission. In fact, last week the final contingent of United States forces left Port-au-Prince, Haiti.

When President Clinton dispatched United States forces to Haiti in the fall of 1994, he set a deadline of February 29, 1996, as the date when United States military participation in the mandated mission of the United Nations would terminate. He has stood by that situation and it has been fulfilled.

The goals of the United States policy have been clear from the outset, that is, to restore the democratically elected President of Haiti to office, to provide a secure and stable environment within which Democratic elections could be conducted, to protect international personnel and installations, and to facilitate the creation of a Haitian national police force.

Despite what some might have you believe, we have made tremendous strides toward fulfilling those goals. The duly elected president was restored to office. Municipal, congressional and presidential elections were successfully conducted. A civilian national police force has been established. The army no longer exists. The dreaded Haitian military has been dissolved.

During my January visit to Port-au-Prince, Mr. President, it became very apparent to me that there was a shared consensus across the broadest segment of Haitian society for a continued United Nations presence after February 29. President Aristide, then President-elect Preval, members of the Haitian Congress, the business community, the United States Embassy, U.N. officials, virtually everyone with whom I met, expressed the strong view that a follow-on presence by the United Nations was vital to solidifying the very real gains that have been made in Haiti over the last many months. Fortunately, the United Nations Security Council concurred with the prevailing wisdom in Haiti and extended the U.N. mission for an additional 4 months until June 1 of this year. The Canadian Government, not the United States Government, has assumed the leadership role in the extended, albeit smaller, United Nations mission. I for one have expressed my appreciation to Canadian authorities for their willingness to do so.

No one is saying that the job is complete in Haiti. Far from it. Much remains to be done on the economic front, on the judicial front, on the human rights front, and on the migration front.

Public security, for example, continues to be a major challenge to the current Haitian administration, as it was to its predecessor. In that regard, some critics of Haiti have singled out the performance of the newly formed Haitian national police as an example of how United States policy has failed. That was included in the majority leader's remarks last Friday.

Mr. President, I could not disagree more. It does a great injustice to the real progress that has been made in this area in less than a year's time. Let us remember that until last June a civilian police force did not exist in Haiti. It had to be built from scratch while dissolving the army, the dreaded military.

In less than 8 months, a force of 5,000 freshly recruited and trained Haitians has been deployed throughout the country. Yes, they are green. They have made mistakes. But it is really quite a remarkable feat, when you think of it. Can you imagine establishing something like a 5,000-person force from the ground up, going through all the training, in a major city in this country overnight?

Haiti is not the only place we have endeavored to support the creation of a new professional civilian force to replace corrupt and brutal militarily justice. In Panama and in El Salvador, we joined with their government leaders to do something similar. In those cases, we had bipartisan support. Unfortunately, bipartisanship seems to be absent in the case of Haiti.

Some of the same problems in Haiti did, in fact, existed in these countries as well, Panama and El Salvador, and continue, I point out, to confront us to today.

Continued international assistance and support at this juncture is terribly important for this little country. These are critical to ensuring the strengthening and permanency of still fragile democratic institutions in Haiti. I believe the United States must remain engaged in Haiti.

U.S. humanitarian and democracy-building programs will continue to be important to future progress in a wide array of areas: the national police, the judicial and legislative branches, economic reforms, human rights and migration. If we do not remain engaged, I predict the previous problems that confronted both the Bush and Clinton administrations with respect to Haiti will

be right back in the laps of some future administration, and much more so.

Last Friday, in the course of his remarks, Senator DOLE stated it would be wrong to make Haiti a political football. Mr. President, I could not agree more. In that regard, the endless congressional holds that have been placed on purely humanitarian assistance—we have had holds, now, in some cases that have been in place since late last year, on proposed humanitarian assistance to Haiti. These holds in my view threaten to make Haiti the political football that the Majority leader has warned about. These United States assistance programs for vaccinations, for AIDS prevention, for textbooks, for primary schools, are targeted at the weakest and most vulnerable sectors of Haitian society. It is deplorable that we have held up these funds that were voted and appropriated by this Congress.

In my view, the administration has more than adequately addressed the questions about specifics of most of these programs—in briefings of congressional staff and written responses to questions submitted from the Congress. If the Republican majority mean what they say about not making Haiti a political football, then the time has come for these congressional holds to be lifted so the continuity of these programs can be maintained.

Again, I do not mean to suggest that all of the questions and concerns raised about the implementation of certain U.N. and U.S.—sponsored programs have not been without merit. There is merit to those questions. But let us remember that when the President and the international community decided to restore democracy to Haiti, they were navigating in unchartered waters. After all, this was the very first time in our history that international action would be utilized in an effort to restore a democratically elected government to power following a military coup.

United States officials, United Nations officials, and most especially Haitian officials had to learn on the job. So, not surprisingly, mistakes were made. But I would also say that administration, United Nations and Haitian officials have bent over backwards to answer questions and to make adjustments in programs as necessary.

Despite those efforts, criticism continues and the holds persist. As I mentioned earlier, these Republican holds placed on United States aid programs are jeopardizing some terribly important programs. One wonders if these aid programs have been put on hold, not so much because answers are wanted, but in the hope that policy successes that have occurred to date will be undermined. If so, this is very cynical and shortsighted and most certainly contrary to United States interests.

While I acknowledge that some criticism about events in Haiti have had merit, others have been far off the mark. For example, some have charged that last year's Haitian elections have produced a one-party state in Port-au-Prince. Nothing could be further from the truth. I can tell you from my meetings with leaders of the Haitian Parliament that they are no rubber stamp for an executive branch. In fact, during my visit in January, the Haitian Senate overwhelmingly rejected President Aristide's controversial nominee to head the national police force. President Preval subsequently nominated, and the Haitian Senate confirmed, a very able individual to head the police force in the country. All that to say the political process is working.

Turning to another area of concern, the possibility of politically motivated killings. There has been a great deal of misinformation, I would say, Mr. President, about these so-called politically motivated murders. The number is much smaller than the 20 to 25 that some have alleged. As to the lack of Haitian cooperation, it is my sense that the FBI did not make a lot of friends in the manner in which it first went about conducting its initial investigations in Port-au-Prince. I was amazed to find out the FBI never bothered to meet with the members of the U.N./OAS civilian mission, the mission that had been monitoring cases since 1993. This is particularly troubling, I would say, since representatives from the civilian mission would have been of enormous assistance to the FBI's investigation. You will recall that most often they were the first ones at the crime scene to gather evidence and interview onlookers.

Nor, apparently, did the FBI seek advice from the U.S. Embassy or utilize its expertise and local contacts. Do not misunderstand what I am saying. I am not condoning these or other acts of violence in Haiti. One politically motivated killing is one too many. But I did not notice quite the same level of outrage in some quarters when the military dictatorship of Haiti was killing hundreds—hundreds—of Haitians, many them prominent political figures, in plain view of international journalists and cameras. Certainly, Haitian authorities need to confront the problems of impunity head on and to put together a credible investigation of the various suspicious murders and bring the matter to closure, but this should not become an excuse for walking away from Haiti or putting every other initiative in the deep freeze.

There has been a great deal of focus on the police and the security situation in Haiti, and rightfully so. These are important areas of concern, but they are not the only ones that will determine Haiti's future. Haiti, like many developing countries, suffers from serious brain drain, with many of its most talented citizens leaving the country. We need to try to redouble our efforts to help them find capable people to fill upper and middle management positions throughout the government, particularly with respect to the police force. Haitians living abroad need to take some responsibility for their country's future as well.

The economy is also pivotal to Haiti's future. In fact, what happens with respect to the Haitian economy is perhaps more important than any other single issue we could mention. Economic growth and investment create jobs. Jobs mean hope and opportunity for the Haitian people. That is what gives people a stake in their country and their government. The economic policies that the Preval administration decides to implement will determine whether the Haitian economy will rebound and grow or simply stagnate.

Privatization of certain key State-owned enterprises—power, telecommunications, flour and cement—can play an important role in creating a favorable economic climate in Haiti as well, and should serve, I would add, to attract badly needed foreign investment in critical sectors.

Last month, the Committee on Foreign Relations had the honor of hosting a working coffee for the recently inaugurated President of Haiti, His Excellency Rene Preval. We had a very useful and, I think, candid discussion about issues of mutual concern to our two countries. It was a very helpful session. Surprisingly, many of those who have been the harshest critics of Haiti did not bother to attend this meeting or to give President Preval an opportunity to address some of the concerns that they have raised. I wonder why?

Among other things, they would have heard President Preval——

The PRESIDING OFFICER. The Chair advises the Senator his 15 minutes has expired.

Mr. DODD. I ask for an additional 2 minutes.

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

Mr. DODD. Among other things, they would have learned from President Preval about his commitment to helping keep Haiti on its course toward democracy and about the high priority he accords to implementing significant economic reforms.

President Clinton has fashioned our policy toward Haiti as he has because he wants to give the Haitian people a chance, a chance to live without intimidation and fear, a chance to make choices and decisions about their own destiny. Our policy is making that possible, perhaps for the first time in Haitian history.

As I said earlier, I could not agree more with our distinguished majority leader that Haiti should not become a political football. Sadly, for most of that country's history, it has been somebody's political football. The people of Haiti deserve a lot better.

Mr. President, President Preval seems determined to do whatever he can to ensure the people of Haiti have a brighter future, but he alone cannot make that happen.

He needs and deserves the support of the United States in that endeavor, and I hope that he will receive it.

MENTAL HEALTH AMENDMENT

Mr. SHELBY. Mr. President, I am extremely gratified that the Senate has unanimously approved the Health Insurance Reform Act, S. 1028, with the inclusion of Senator DOMENICI's amendment relating to mental health coverage. Specifically, this amendment prevents insurers from imposing limits on benefits for mental illness that are not imposed on benefits for physical illness. This bill requires insurers to treat consumers fairly. It guarantees that insurers do not drop people's coverage when they change jobs or for preexisting health conditions. It also prevents insurers from imposing arbitrary coverage limits on persons who need services for mental illness.

I have long been a strong supporter of nondiscriminatory coverage for persons suffering mental illness. In the last Congress, I sponsored, with Senators DOLE and SIMON, a resolution, Senate Concurrent Resolution 16, that called on Congress to ensure that persons with mental illness receive equitable coverage with that afforded for physical illness. Our resolution received strong bipartisan support, and the Senate has included nondiscriminatory coverage for mental illness in S. 1028.

Americans with mental illness deserve to have equitable access to health coverage. Because these Americans often cannot find adequate coverage under private coverage, they are frequently forced to resort to coverage in public programs. Without jobs and coverage, many are not adequately treated. This legislation will permit many mentally ill persons to have the coverage they need to hold down jobs and to lead productive and fulfilling lives.

Mr. President, it is no secret that mental illness can strike at any time, to anyone. Many of us know someone who has suffered mental illness. This amendment will provide nondiscriminatory coverage for a range of mentally ill disorders, including schizophrenia, manic depressive disorder, or panic disorder.

I believe that this amendment will make for a more productive and efficient work force. American businesses lose more than $100 billion per year due to lost productivity of employees because of substance abuse and mental illness. We can reduce this drain on employers by permitting employees access to nondiscriminatory mental illness coverage.

I strongly support S. 1028 with inclusion of nondiscriminatory coverage for persons with mental illness. Inclusion of this provision is not only the right and compassionate thing to do, but it will also reduce overall mental health spending and make our health system more accessible for persons with mental illness. I urge my fellow Senators to support this provision in conference.

CENTRIST COALITION BUDGET PLAN

Mr. SIMPSON. Mr. President, I am very pleased to join Senators CHAFEE and BREAUX and the rest of the Centrist Coalition in announcing this bipartisan proposal for a balanced budget. This is a comprehensive plan that confronts our budget problems head on. I encourage all of my colleagues to take a serious look at it.

I am particularly pleased that our plan partially corrects the inaccuracy of the Consumer Price Index [CPI]. What we propose is to reduce the CPI by one-half of a percentage point in 1997 and 1998—and by three-tenths of a percentage point thereafter—for purposes of computing cost of living adjustments [COLA's] and for indexing the Tax Code.

While the AARP and other seniors groups will shriek and wail to the high heavens about this being some backdoor effort to cut Social Security benefits, that is not what is driving this issue. What we are striving to do is to have a more accurate CPI that reflects the true level of inflation.

Last year, the Senate Finance Committee heard compelling testimony from Alan Greenspan, the Chairman of the Federal Reserve, and others who believe the CPI may be off the mark by as much as two percentage points. A commission appointed by the Finance Committee issued an interim report which estimates the CPI to be overstated in the range of 0.7 to 2.0 percentage points.

The Coalition has selected the figure of 0.5 percentage points—which is a conservative estimate of how much the CPI is overstated—precisely because we want to avoid any perception that we are being unfair or unduly harsh. This modest step achieves $110 billion in savings over 7 years. This is not a popular proposal, but it is understood by us as a critically important component of our plan.

Before I discuss other elements of our plan, let me join my colleagues in underscoring the importance of our product being received as a total package. Any balanced budget plan will have elements that we do not like. But we will all have to accept some of the undesirable in order not to lose all that is so necessary.

Accordingly, this bipartisan budget plan also includes some very appropriate first steps toward slowing the growth of Medicare spending. These reforms would achieve $154 billion in savings over 7 years. From a long-term perspective, the most important reform is a provision that would conform the Medicare eligibility age with the Social Security retirement age. By gradually increasing the eligibility age to 67, this plan acknowledges that life expectancies are certainly higher now than when Medicare was first enacted in 1965.

We also impose an affluence test on Medicare Part B premiums, beginning with individual seniors who have annual incomes exceeding $50,000 and couples who have incomes exceeding $75,000. I personally believe we should begin this affluence test at much lower income thresholds, but I realize that we simply do not have the votes to do that at this time.

The Coalition plan also limits the future growth of Medicaid spending, saving $62 billion over 7 years. While our plan does not give the States as much flexibility as I would like to give them, I am willing to swallow these Medicaid reforms in the context of this comprehensive budget package, even though I might not be able to support them if they were to be considered separately in isolation from the broader package. I am absolutely convinced that the positive aspects of the total package are so critically important that they overwhelmingly outweigh certain concerns I have about the Medicaid provisions.

On another front, our plan also calls for meaningful welfare reforms, including tough work requirements for welfare recipients and a 5-year time limit on cash assistance. At the same time, we include additional funds for child care assistance—thereby recognizing the importance of child care in helping recipients make the transition from welfare to self-sufficiency. Overall, these welfare reforms achieve another $45 billion in savings.

In the area of taxes, many of us had to bite the bullet—and hard—on specific issues in order to reach consensus on the broad package. What we have here is a tax package that provides $130 billion in tax cuts. On the child tax credits, I have a personal concern about just giving away $250 for every child under the age of 17. But in the spirit of cooperation and consensus, we were able to address some of my objections by offering a real savings incentive if parents contribute $500 toward an individual retirement account established in the child's name.

The tax package has something for everyone to like—and to dislike. I urge my colleagues to look at this package in its entirety. If we start picking it apart, the package will fail and the Coalition that worked so hard to bring this all together will collapse. This plan brings us to the goal we have all been working so hard to achieve—a balanced budget and tax cut package that ends deficit spending by the year 2002.

Again, I urge all of my colleagues to consider this plan. Those who automatically reject the notion of a bipartisan budget will have no trouble finding one or two reasons to oppose it. But I am convinced that anyone who approaches this plan with an open mind—and a recognition that bipartisanship always requires some degree of compromise—will conclude that this is an impressive plan. It does not rely on gimmickry or smoke and mirrors. Instead, it makes the tough, politically unpopular decisions that Republicans and Democrats alike have been putting off for too long. It deserves our earnest support.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. MURKOWSKI. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Does the Senator yield for an inquiry?

Mr. BRYAN. I yield for an inquiry, but I do not lose the floor; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. I thought it was customary that we went back and forth in a manner that is traditional with the Senate. I have seen this occur from time to time. All I can ask the Chair is to recognize and view the entire Chamber, because the Senator from Alaska had been advised to be here at 9:50. The Senator from Alaska was here and was not recognized, even though the Senator had been standing up.

The PRESIDING OFFICER. It is the Chair's understanding of the rules of the U.S. Senate, the Chair is to recognize the Member who first addresses the Chair. In this case——

Mr. MURKOWSKI. The Senator from Alaska addressed the Chair in a timely manner.

The PRESIDING OFFICER. If the Senator will suspend——

Mr. MURKOWSKI. Well, I am very disappointed. If the Chair——

The PRESIDING OFFICER. If the Senator will suspend, the Chair will finish the statement. It is the Chair's understanding of the rules of the U.S. Senate the Chair is to recognize the first Member who addresses the Chair.

It was the Chair's opinion, and still is the Chair's opinion, that the first Member clearly to address the Chair was the Senator from Nevada. The Chair, therefore, recognized the Senator from Nevada.

Further, it is the understanding of this Chair that there is no rule in the U.S. Senate that provides for alternating back and forth. That can be accommodated between the Members themselves, but it cannot be done by the Chair. The Chair has no authority to do that. The Senator from Nevada has the floor.

Mr. BRYAN. I would like to accommodate——

The PRESIDING OFFICER. If the Senator will yield.

Mr. BRYAN. I would like to accommodate. I think the Senator from Alaska and I both have had time set aside during the morning business. I had time and I know he had time. It is going to require unanimous consent that time be extended. I will offer to extend time for him as well.

EXTENSION OF MORNING BUSINESS

Mr. BRYAN. I ask unanimous consent that morning business be extended for a period of 20 minutes, so I might be accommodated for my 10 minutes and the distinguished Senator from Alaska may be accommodated for his 10 minutes.

Mr. SIMPSON. Mr. President, I shall not object. I do not think there is any need for all this activity, and I have the greatest respect. I am supposed to be up at 10 o'clock. So I am not going to lose any sleep on that. Let us proceed and then we will go to the regular order. Senator MURKOWSKI can have 5 minutes and certainly Senator BRYAN. There is no rule in the U.S. Senate in morning business, in any sense, that there be an accommodation on both sides. That is not morning business. It is the first one present and the first one seeking recognition. Really, I hope there will not be any acrimony with regard to that decision.

The PRESIDING OFFICER (Mr. COATS). Is there objection to the request? If not, it is so ordered. The time is extended for 20 minutes. The Senator from Nevada still has the floor.

Mr. BRYAN. I thank the Chair.

TENTH ANNIVERSARY OF CHERNOBYL ACCIDENT

Mr. BRYAN. Mr. President, tomorrow, April 26, is the 10th anniversary of the most dramatic ecological disaster of the 20th century—the explosion of reactor No. 4 at the V.I. Lenin Atomic Power Plant in Chernobyl, Ukraine.

On that day, 10 years ago tomorrow, a combination of poor design, human error—or, more accurately, human negligence and incompetence—led to a massive explosion within the core of reactor No. 4—an explosion that blew off the 2,000-ton reactor chamber roof, spewing massive amounts of radiation into the surrounding area and the Earth's atmosphere in a radioactive cloud that eventually reached as far away as California.

It was not until several years after the disaster occurred that the truth about Chernobyl, the crown jewel of the Soviet nuclear power industry, began to emerge—that following the explosion, reactor No. 4 experienced what has long been considered the worst-case scenario in nuclear power—a full reactor meltdown. The core material burned, exposed to the atmosphere, for nearly 10 days, and resulting in a total meltdown.

Our colleague, Senator KENNEDY, summed it up shortly after the disaster, when he said ''The ultimate lesson of Chernobyl is that human and technological error can cause disaster anytime, anywhere.'' That has particular residence for us in Nevada.

The ecological and economic consequences of Chernobyl were massive, immediate, and will last for tens of thousands of years.

Thirty-one people died as an immediate result of the explosion, 200 were hospitalized, and 135,000 were evacuated from 71 nearby towns and villages. High doses of radiation spread over at least 10,000 square miles, affecting 5 million people in Ukraine, Belarus, and Russia. The explosion spread more than 200 times the radiation released by the Hiroshima and Nagasaki blasts combined. Anywhere from 32,000 to 150,000 people could eventually die as a result of the blast. Millions of people have had their lives permanently disrupted by the accident. Belarus and Ukraine now report a broad rise in respiratory illness, heart disease, and birth defects. Scientists are still waiting to see what the role may be of the radiation exposure in leading to the many cancers that take longer than 10 years to develop, but expect it to be significant.

The children of Belarus have been particularly hard hit. Seventy percent of the Chernobyl fallout landed in Belarus—a nation that itself has no nuclear reactors. Huge tracts of land in Belarus were contaminated with radioactive cesium, strontium, and plutonium. Prior to 1986, Belarus's thyroid cancer rate for children under 14 was typical—2 cases in a nation of about 10 million. By 1992, the rate was up to 66, and by 1994, the rate had increased to 82—an increase that can only be explained by the Chernobyl fallout.

One quarter of the land of Belarus, home to one-fifth of the nation's population, has been severely contaminated by the Chernobyl explosion.

The power plant complex is surrounded by an 18-mile radius exclusion zone—an area of very high contamination that is off-limits to for residence and entry without a special permit.

Lying outside of the exclusion zone is a much larger area with lesser, but still very high, contamination. Despite official government pronouncements that this area is unsafe, it is still home to 237,000 residents of Ukraine, Belarus, and Russia, who simply cannot afford to live anywhere else.

The remains of reactor No. 4, still highly radioactive, are contained in a hastily erected sarcophagus—a highly unstable structure, considered by many the most dangerous building on earth. As concerns regarding the possibility of collapse of the sarcophagus or the reactor entombed inside increase, it is unclear if the technological or financial challenges of stabilizing and cleaning up reactor No. 4 can ever be met.

Mr. President, If Chernobyl has taught us anything, it is that when dealing with such high-risk matters as nuclear power, or nuclear waste, small mistakes can have enormous consequences.

Next week, the Senate may turn to a bill aptly dubbed the ''Mobile Chernobyl Bill''—S. 1271, the Craig nuclear waste bill.

As many of my colleagues are aware, this establishes, on an accelerated schedule, a so-called interim high-level nuclear waste dump in Nevada.

I want to be clear on what this interim storage program means. Tens of thousands of tons of high-level nuclear waste will be removed from reactors, loaded on over 16,000 trains and trucks, and shipped cross country to Nevada, a State with no nuclear power. The

waste will travel through 43 States on transportation routes that bring the waste within one mile of over 50 million people.

Mr. President, I know the nuclear power industry is lobbying hard for this bill. I know there is a lot of pressure on Senators to support this legislation. I also know that the nuclear power industry has spread a massive amount of disinformation about the bill.

By any objective evaluation, this legislation is completely unnecessary. In fact, the Nuclear Waste Technical Review Board, a Federal agency created by the Nuclear Waste Policy Act, and comprised of the Nation's most respected scientists, said just 1 month ago that there is simply no need for an interim storage facility at this time.

This is not the first time the industry has cried wolf. In 1980, a supporter of the industry asserted:

> We are running out of reactor space at reactors for the storage of the fuel, and if we do not build what we call away-from-reactor storage, another type of interim storage, and begin soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983.

Of course, Mr. President, no U.S. reactors have closed due to lack of storage. Thirteen years have passed since the prediction that in 1983 there would result the closure of reactors.

Despite the crisis mentality created by the nuclear power industry, there is no nuclear reactor in America that will be forced to close down due to lack of storage. Every nuclear utility, if it so chooses, can take advantage of existing, NRC licensed, off the shelf dry cast storage systems to meet its spent fuel storage needs. Should the mobile Chernobyl bill come to the floor next week, I will have a lot more to say about the lack of any compelling need for this legislation.

There are, however, plenty of other reasons to oppose this bill. The bill preempts nearly every local, State, or Federal environmental protection. It creates a taxpayer liability of billions of dollars to solve the private industry's waste problem. It eliminates EPA authority to protect the health and public safety.

Mr. President, I do not know when the Senate may consider this bill. It is my hope that it never comes up. Nevertheless, I urge my colleagues to fully consider the many legitimate public health safety consequences raised by this legislation, particularly as they relate to their own constituents, and to oppose the mobile Chernobyl bill. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized to speak in morning business for up to 10 minutes.

Mr. MURKOWSKI. I thank the Chair and wish the Chair a good morning.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1703 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. I thank the Chair and wish the Chair a good day. I thank the floor managers for allowing additional time in morning business.

Mr. SIMPSON. Mr. President, I believe we are at the order of business under the previous order.

The PRESIDING OFFICER. That is correct.

Mr. SIMPSON. Which is to go to the illegal immigration bill, is that correct?

The PRESIDING OFFICER. That is correct.

MEASURE PLACED ON THE CALENDAR—S. 1698

Mr. SIMPSON. Mr. President, I have business to do that has nothing to do with this bill before the Senate. I want everyone to be alert. No need to alert your staff that I am up to some giant caper.

I understand there are two bills due for their second reading.

The PRESIDING OFFICER. The clerk will read the first bill.

The legislative clerk read as follows:

> A bill (S. 1698), entitled the "Health Insurance Reform Act of 1996."

Mr. SIMPSON. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

MEASURE PLACED ON THE CALENDAR—H.R. 2937

The PRESIDING OFFICER. The clerk will read the second bill.

The legislative clerk read as follows:

> A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

Mr. SIMPSON. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair will announce that morning business is closed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

> A bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States, and so forth and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Simpson amendment No. 3669, to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education.

Simpson amendment No. 3670, to establish a pilot program to collect information relating to nonimmigrant foreign students.

Simpson amendment No. 3671, to create new ground of exclusion and of deportation for falsely claiming U.S. citizenship.

Simpson amendment No. 3722 (to amendment No. 3669), in the nature of a substitute.

Simpson amendment No. 3723 (to amendment No. 3670), in the nature of a substitute.

Simpson amendment No. 3724 (to amendment No. 3671), in the nature of a substitute.

Simpson motion to recommit the bill to the Committee on the Judiciary with instructions to report back forthwith.

Simpson amendment No. 3725 (to instructions of motion to recommit), to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education.

Coverdell (for Dole/Coverdell) amendment No. 3737 (to Amendment No. 3725), to establish grounds for deportation for offenses of domestic violence, stalking, crimes against children, and crimes of sexual violence without regard to the length of sentence imposed.

AMENDMENT NO. 3739 TO AMENDMENT NO. 3725

(Purpose: To provide for temporary numerical limits on family-sponsored immigrant visas, a temporary priority-based system of allocating family-sponsored immigrant visas, and a temporary per-country limit—to apply for the 5 fiscal years after enactment of S. 1664)

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk to amendment numbered 3725 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3739 to amendment No. 3725.

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

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

The amendment is as follows:

At the end of the amendment add the following:

SEC. . TEMPORARY WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRATION, ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS, AND PER-COUNTRY LIMIT

(A) TEMPORARY WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRATION.—Notwithstanding any other provision of law, the following provisions shall temporarily supersede the specified subsections of section 201 of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

(1) Section 201(b) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

"ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Aliens described in this subsection, who are not subject to the worldwide levels or numerical limitations of subsection (a), are as follows:

"(1) Special immigrants described in subparagraph (A) or (B) of section 101(a)(27).

"(2) Aliens who are admitted under section 207 or whose status is adjusted under section 209.

"(3) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad."

(2) Section 201(c) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

''WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to 480,000.''

(b) TEMPORARY ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS.—Notwithstanding any other provision of law, the following provision shall temporarily supersede section 203(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

''PRIORITIES FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:

''(1) IMMEDIATE RELATIVES OF CITIZENS.—Qualified immigrants who are the immediate relatives of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c).

''(2) SPOUSES AND CHILDREN OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the class specified in paragraph (1).

''(3) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters (but are not the children) of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraphs (1) and (2).

''(4) MARRIED SONS AND MARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (3).

''(5) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but are not the children) of an alien lawfully admitted for permanent residence, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraphs (1) through (4).

''(6) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (5).''

(c) DEFINITION OF IMMEDIATE RELATIVES.—For purposes of subsection (b)(1), the term ''immediate relatives'' means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age. In the case of an alien who was the spouse of a citizen of the United States for at least 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of citizen's death, the alien (and each child of the alien) shall be considered, for purposes of this subsection, to remain an immediate relative after the date of citizen's death but only if the spouse files a petition under section 204(a)(1)(A)(ii) within 2 years after such date and only until the date the spouse remarries.

(d) TEMPORARY PER-COUNTRY LIMIT.—Notwithstanding any other provision of law, the following provision shall temporarily supersede paragraphs (2) through of section 202(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

''PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—(A) The total number of immigrant visas made available in any fiscal year to natives of any single foreign state or dependent area under section 203(a), except aliens described in section 203(a)(1), and under section 203(b) may not exceed the difference (if any) between—

''(i) 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States; and

''(ii) the amount specified in subparagraph (B).

''(B) The amount specified in this subparagraph is the amount by which the total of the number of aliens described in section 203(a)(1) admitted in the prior year who are natives of such state or dependent area exceeded 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States.''

(e) TEMPORARY RULE FOR COUNTRIES AT CEILING.—Notwithstanding any other provision of law, the following provision shall temporarily supersede, during the first fiscal year beginning after the enactment of this Act and during the four subsequent fiscal years, the language of section 202(e) of the Immigration and Nationality Act which appears after ''in a manner so that'':

''visa numbers are made available first under section 203(a)(2), next under section 203(a)(3), next under section 203(a)(4), next under section 203(a)(5), next under section 203(a)(6), next under section 203(b)(1), next under section 203(b)(2), next under section 203(b)(3), next under section 203(b)(4), and next under section 203(b)(5).''

(f) TEMPORARY TREATMENT OF NEW APPLICATIONS.—Notwithstanding any other provision of law, the Attorney General may not, in any fiscal year beginning within five years of the enactment of this Act, accept any petition claiming that an alien is entitled to classification under paragraph (1), (2), (3), (4), (5), or (6) of section 203(a), as in effect pursuant to subsection (b) of this Act, if the number of visas provided for the class specified in such paragraph was less than 10,000 in the prior fiscal year.

Mr. SIMPSON. Mr. President, this is the first of two amendments that are in order this morning that will make the very modest and very temporary reduction in legal immigration to the United States. This first amendment deals with family immigration. The other amendment concerns employment-based immigration.

Under these amendments, legal immigration to the United States will, for 5 years, be held at a level of 10 percent below the current total of regular nonrefugee admissions. This does not have anything to do with refugees or asylees. Under the amendment I am proposing there will be immediate family numbers of 480,000—27,000 for diversity visas under a previous proposal we passed in 1990, with a reduction from the original 55,000 the House has accepted this figure of 27,000. Mr. President, 100,000 on employment-based visas. That is a total of 607,000 per year. That is the total of regular nonrefugee admissions under the amendment. Under current law it is 675,000. So, 607,000 under the amendment, a reduction of 68,000, a reduction of 10.1 percent.

The first amendment will also, during the 5-year breathing space, establish what is really a true-priority system for family immigration categories, giving visas first to the closest family members. I cannot tell you how many times I have heard in the last months, ''We should first take care of the family.'' That is exactly what this amendment does, giving visas first to the closest family members who are the most likely to live in the same household with a U.S. relative who petitions for them. Only if there are visas unused by these closest family members will the visas then go down or fall down to the next lower level priority family category and so on.

Under this amendment, all 480,000 family visas will be available first to the immediate relatives of U.S. citizens. I think everyone would want that. That is a spouse and minor children, the so-called nuclear family, plus parents. After this highest category and priority is established, the remaining visas will be available to the second-priority category.

Unlike current law, there will be no guaranteed minimum number for the lower priority category. That is what we established in 1990 with the so-called pierceable cap, that we had to do a certain amount for those in those categories.

According to the INS estimates, immediate relatives—and we do think we can rely on the INS estimates, but after yesterday it makes one wonder a bit if we can believe them in totality—but they are telling us that immediate relatives will range from 329,000 to 473,000 in the next 7 years with an average of about 384,000.

Under my proposal, if immediate relatives are admitted at that level in a particular year, there will be about 100,000 visa numbers available for the other family category. We are not shutting them out. The visas available after admission of immediate relatives of U.S. citizens will flow down to the second priority—that is the nuclear family of lawful permanent residents. In other words, going to their spouses and minor children.

We have 1.1 million people in America who are here under our laws and totally legal who are unable to bring to this country their spouses and minor children, while we continue to give visas to adult brothers and sisters. I hope that people will understand what we do here while we talk about spouses and family and the categories of family values and all those things. So they

will go to lawful permanent residents—in other words, as I say, spouses and minor children. Any visas that are not needed in that category will flow down to the third priority, which is then the unmarried adult sons and daughters of U.S. citizens, then to the fourth priority, this is married sons and daughters of U.S. citizens, then to the fifth priority, unmarried adult sons and daughters of permanent residents, and finally to the sixth and last priority, brothers and sisters of citizens.

Now, you have just heard something which sounds like Egyptian. Actually, it is English, but much in the INA, the Immigration and Nationality Act, is not in English. It is a most difficult system to understand for the layman because it then gets into situations where people can play upon it and use emotion, fear, guilt, and racism. They have done it magnificently in this instance—magnificently.

So, here we have a situation where the only ones that really strive in the present language of preference systems and the confusion in the INA are actually the immigration lawyers of America. They are very adept, I can promise you that and they have been very adept here, very, very adept.

Under my proposal, family admissions will continue to be 480,000 per year. That is the current level. No reduction. That is over the next 5 years. Remember, after the next 5 years, it spikes right back up. We are not doing anything 5 years out. Back to business.

So the INS estimates that family admissions under the committee bill for fiscal years 1997 through 2001 are 723,000, 689,000, 643,000, 620,000, 579,000, an average of 651,000, which is a substantial increase over the current level.

I want to be very clear about these numbers. Immigration will not be reduced under the committee bill. If anyone in this country or this Chamber is interested in reducing legal immigration, which 70 percent of the American people say they favor, it will not be under the committee bill that is at the desk.

Let us be absolutely clear of another thing. I am not here to recombine anything. I have not combined or recombined anything. I am not here to join or link. I am here to do a single amendment, which was the work product of the Barbara Jordan commission. That is my mission—to see that the American people deal with an issue that has been dealt with now for 20 years, which was the Select Commission on Immigration and Refugee Policy, and the Jordan Commission. And to completely ignore the work of that remarkable woman is something that I was not going to see happen. So there will be two amendments by the Senator from Wyoming—one on legal immigration and a very short one on employer-based immigration—and that is it.

So whatever has been expressed to the colleagues about this ''sinister'' effort of recombining—I have never understood the meaning of it, actually. It has always been together. We have dealt with it together in all the 18 years I have been dealing with it. Sometimes we would divide it for certain purposes. Sometimes we would not divide it. But always, it was very clear.

So under the committee bill there is no reduction on legal immigration. It will increase under the Kennedy-Abraham amendment, which the committee agreed to by a rollcall vote. Immigration will increase at a very slightly lesser rate than under current law. I hope you can hear that. It will increase at a very slightly lesser rate than under current law. But it will increase substantially. There will be no reduction for at least the next 10 years.

Now, blend into that what happened with the figures that were given to us by the INS. We are now confronted with news reports and information that we have a 41-percent increase. Here is the morning line—and not at the track, but the Washington AP. ''New projections anticipating a whopping 41 percent increase in legal immigration to the United States this year are bound to heat up debate as the Senate considers its immigration bill.''

I think it will heat up the debate because you are going to have to go home and tell people that you sat by and watched legal immigration go up 41 percent. The Immigration and Naturalization Service's projections of a boom this year follow a 10.4-percent decline in lawful immigration last year. My good colleague from Texas—and how I admire LAMAR SMITH and his ranking member, too—said, ''We have all been duped. I take this as an intentional misrepresentation to the public, and, to Congress. It is inexcusable.''

The interesting thing about that is it came about the day we were debating this bill in the Senate with regard to the committee action. At that time at the press conference, which in essence was very clear, it was said simply that you do not need to do anything about legal immigration because we are doing it already. You can count on us. We know you are interested in it. The President is interested in it. The President is interested in the Barbara Jordan commission report. And I hope you can understand that, too.

This is not a partisan issue. Anyone, at the end of this debate, who says that somehow this is going to be the destruction of the Republican Party must find new work somewhere. This is not about the destruction of the Republican Party. You are going to see votes today that will make you scratch your head until you have less hair than I have. You will say, ''I never dreamed that I would be voting on that issue with that person.'' So join the fun. You will find it to be so.

Here we are trying to do something with illegal immigration. Let me tell you, we are going to do something with illegal immigration. I mean, we are really going to do something with illegal immigration. We will have these two amendments, and we will not be splitting or blending or pureeing anything—nothing. But we will be dealing with something that is not the concoction of the Senator from Wyoming but is the work product of the Jordan Commission on Immigration Reform, consisting of a remarkable group of Democrats and Republicans.

So there we are with some figures which certainly concern all of us, who are trying to use honest numbers as we deal with a very complex issue. I think that does taint the previous debate.

But during the 5-year breathing space created by my amendment, visa applications will not be accepted for any priority category if fewer than 10,000 visas were provided for that category in the prior year. That provision is intended to avoid any further build-up in the backlog.

There are more than 3.7 million persons on the family waiting list today, and 1.7 million are in the brother and sister category alone. Now, those long waiting lists, those backlogs, in some cases, arrive and result in a wait of over 20 years for a visa. It is believed by some experts to encourage illegal immigration. Why would it not? Because a person on the waiting list that is told they are going to have to wait 12, 14, 16 years is going to come here illegally. They are not going to wait because somebody has petitioned for them. That person is here, and they are going to say, ''Why should I wait? I am going to go and join them because I love them and I want to be with them.'' Does anybody believe that is not happening? So they live illegally in the United States while waiting for their name to come up.

In the second amendment—I will address that briefly, and I have a brief chart, and then we can get on with the debate—the employment-based visa limit will be reduced to 100,000, which is still well above the number of visas now being actually used for employment-based immigration. The employment visas will continue to be allocated under the preference system in current law.

We will look, also, at the issue of unskilled numbers, which we took care of in the committee bill, on legal immigration, which is not before you today, but is at the desk, and which is not to be incorporated into it by an amendment by me or anyone else. There are a lot of things in that legal immigration bill. When we are through with this caper here, whether it goes or does not go, we might deal with that, since that passed the Judiciary Committee by a vote of 13 to 4. I would think that might well be addressed by us at some future time, with appropriate unanimous-consent agreements, or whatever may be, so there would not be too much chicanery involved.

The committee bill reduced diversity visas from 55,000 to 27,000. My amendment retains the committee provision of the 27,000 diversity visas. At the end of 5 years, under these amendments,

the temporary reduction will end and terminate, and the immigration numbers and the priority system will automatically return to current law.

You say, ''Well, what is the purpose of that? You are going to lower it 10.1 percent for 5 years, and at the end of 5 years, it is going to go right back where it was—same heavy numbers.'' That is right. That will give the Congress an opportunity to look at where we are going, because, obviously, people are not paying attention to where we are going, and we watch these continual frustrations arise and finally come to a volcanic ferocity like proposition 187.

If anybody believes that you do not deal with this issue and pretend that there will not be more of those in every State in the United States, we are all somewhat remiss.

If the Congress does not pass a bill that includes a reduction in immigration, then our refusal to address the very real and very reasonable concerns of our constituents will contribute even more to the general cynicism about Congress and our detachment to what the people who elected us think.

Mr. President, this is not merely a problem of how Congress is perceived, of our reputation, because, if we ignore what the people think and feel, we are not likely to legislate in ways that have a favorable real-world, commonsense impact on the people's lives.

It is very interesting. As I look at the material circulated by those who do not concur with my view, there are, remarkably, only two or three things outlined in there. The one that is most interesting is that it will shut out nearly 2 million relatives of U.S. citizens—relatives of voters. Get the word underlined ''voters.'' Let me tell you, ladies and gentleman, there are a lot more voters out there who want to do something with illegal immigration than voters who want to protect a certain group in society. If you are missing what voters do here, do not miss that one. I can promise you that is the way that is.

So I do not see any other way to be sure we are reforming immigration policy in a way that will actually make the American people better off as they themselves judge to be better off than to try to find out the extent to which they actually like and embrace what is happening.

As I noted earlier, I proposed a very modest reduction—only 10 percent for the next 5 years. But this would be in sharp contrast to the substantial increase that would otherwise occur during this period under either the committee bill or current law.

This first amendment will provide a true preference in the granting of visas to those family members most likely to live with their relatives in the United States. That is what people say they want. We want the nuclear family. We want the numbers to go to the nuclear family. It will do that. It will assure that that occurs. It will reduce the availability of visas for relatives who are likely to have their own separate households. That is the source of so much of the phenomenon of chain migration.

Let me conclude my remarks by showing you, since we seem to be so enamored of charts—especially charts which I think have some devious value that I have noticed in the past months—but since we like charts, then you are going to be fascinated with this one.

Here is what is happening in our country with regard to legal immigration. I am not talking about illegal immigration. This is a hypothetical illustration of chain migration which I have been speaking about now for about a year. This is what the Jordan Commission was speaking about for much longer than that—chain migration through the family preference system for two generations of parents and their children. Here the process begins when the immigrant arrives. The immigrant arrives with a spouse and a child. All of them become citizens after 5 years—father, mother, child. These people are immediate relatives, and they come without ''number.'' Under my legislation, there would be a cap at 480,000, which has never been achieved as yet.

So then this person, the father, has brothers who wish to come, one of whom is married. They then immigrate as siblings of a citizen. This person has siblings who are married. She also has a widowed mother. They petition to come to the United States when she becomes a citizen. So when a spouse becomes a citizen, he petitions for his siblings who are married who wish to come.

From this branch we go here to a spouse petitioning for her parents. Now go back to the man, the husband. His mother immigrates after she becomes a widow.

Go then to this spouse. Her parents immigrate as immediate relatives of a U.S. citizen. That is very valid. She has married siblings who wish to immigrate. They immigrate as adult children of U.S. citizens after the parents naturalize.

Go on up from that. Their spouses have siblings who wish to come, some of whom are married.

This is all under the current preference system—two generations. They ultimately petition to immigrate as siblings of citizens. When some of these immigrants naturalize, they petition for their parents.

But here is the one you want to watch if you are talking about family and bloodlines, this kind of thing that has a good ring. Right here, I am going to circle the people who have no blood relationship with the original petitioner—none, no blood relationship. They are not uncles, aunts, nieces, nephews, married brothers, sisters, unmarried. This person is not is not related by blood. This person is not related by blood. This person is not related. This person, nor this person is related by blood to this petitioner. This person is not related by blood. This one, this one, this one—all of them not related by blood to the petitioner. These two persons are not related by blood to the petitioner. We hear this about the immediate family, family, brothers, sisters, on and on.

This one is not related by blood. This one, nor this one not related by blood. These two are. This one is. These here—this person is not related by blood. This one, this one, nor this one. None of these are related by blood. Not one of these are related by blood. Not one, not a single one, and down here two are not related by blood. These two are.

You are wondering what is happening? If that is not as graphic as I can give it to you, I do not know how it can be presented any more clearly.

Mr. SIMON. Mr. President, will my colleague yield?

Mr. SIMPSON. You are going to hear the story about joining the family, keeping the family together, and all of this. I think it is important to see what happens with the phenomenon of chain migration.

Yes, I will yield for a question.

Mr. SIMON. How long does it take this to take place?

Mr. SIMPSON. It is clear here—two generations; about 45 years; two generations. This is it. That is happening now.

But you ought to remember what we did. We did legalization. The Senator from Illinois was part of that. I always appreciated his remarkable interest in that. We then ''legalized'' people who were here illegally living in a subculture of America. That was in 1986. Then there was a temporary period. Those people have now begun a full range of petitioning. They are U.S. citizens. They are filing, and they are filing under the present system. They are big numbers down the road. But we also have big numbers on the road right now, according to the INS, where they short-informed us, or short-sheeted us by 100,000 to 150,000 in number this year.

So when I get up—and I have a tendency to rant lightly from time to time. But when I say what we are trying to do is eliminate the issue of persons bringing in 30, 40, 50, 60, the all-time record was 83 persons on a single petition, that is what we are trying to do.

So, if we are going to continue to talk about family and treating those fairly who are here and those who play by the rules—I understand that and all of those things—then this is where we are. Even the most ardent proimmigration advocates cannot with credibility oppose legislation to control illegal immigration. That will not happen. But this, at least for me, is a presentation of where we are in this country, and we will just see where the amendment goes.

If it is gone, it is gone. But I do not intend to come this far in the immigration debate in the United States and

not deal with something that the Jordan Commission report felt was very much a concern. Others have different views. But if you are talking about reducing immigration, you cannot just talk about illegal immigration.

The reason I am talking about it here so I will not hear about combining and pureeing and splitting again is—and you must hear this—half of the people in the United States who are illegal came here legally. Over half of the people in the United States who are here illegally came legally. So how in God's name do you pretend that you can separate the issue? You cannot separate the issue. They came here on tourist visas and they came here on student visas or they came here on any kind of legal visa. They went out of status. They went into the communities. They went with their relatives, and they are here.

That is the way it works. The length of time—and I will throw it open—the length of time for chain migration, I say to my friend from Illinois, does not change the effect. It displaces the entry of spouses and unmarried minor children. If you continue this ritual—and it is already at 1.1 million. Remember, 1.1 million permanent resident aliens cannot bring their spouses and minor children because the numbers are going here, to someone who is not part of the blood line, not part of the ''immediate family'', and that is what is happening.

And the mystery—that this is something that is anti-American, we are doing something to those who play by the rules—is extraordinary.

But there are some players out in the land, not in this Chamber—I have had the greatest and richest regard for Senator ABRAHAM and Senator DEWINE and Senator FEINGOLD. They are doing yeoman work on the position they feel very strongly about. But there are some groups in the United States that are doing yeoman distortion, groups that send out stuff like this.

Oh, I love this one. You must see this one. This is big Grover Nordquist. He is really a dazzler. We hope Grover will come into the Chamber with us on this ghastly exercise. This is the Simpson-Smith bar code tattoo, compliments of Uncle Grover, who is getting paid 10,000 bucks a month by Mr. Gates of Microsoft to mess up the issue. And he has done a magnificent job of messing up the issue and should for 10,000 bucks a month. I think he should be very active.

So here is Grover. This is the Lamar Smith-Simpson tattoo. This is on illegal immigration.

How to do your tattoo.
Clean skin with alcohol pad.
Place tattoo ink side down on skin.
Dab with pad until design shows thru.
Lift paper off while still wet.
Dust design with baby powder for longer wear. Stays for days.
Remove instantly with alcohol or oil.

That is Uncle Grover's little caper, and for 10,000 bucks a month you can afford to do a lot of those, which they have. They are in a deceptively difficult looking packet, I will admit that. I will not go into that.

Well, now, there we are. The situation on this chart is a hypothetical situation. It says right here, so that you do not be deceived: ''Hypothetical illustration * * * chain migration through the family preference system for two generations.'' No tricks. It is what can and frequently does occur as a result of our current preference system. And my proposal will change that temporarily—and horribly—for 5 years so that we can stop the action, stop the carousel, let everybody get on and get off, and in 5 years decide what we are going to do. If we do nothing, the spike goes right back into existence.

I will yield the floor at this time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. We start off on our second day, really the third day on the issue of illegal immigration, and we want to be able to move through this process. We went through yesterday with a rather peculiar procedure by which individuals were denied recognition if they were going to deal with any issue that was not going to be relevant to the matter at hand.

Generally, we have to invoke cloture to follow that procedure. That is a time-honored process for this body. And so we circumvented that time-honored process, and the only matters that we could vote on would be those that were going to be understood or cleared beforehand not to include, for example, the minimum wage. So even if you stood on your feet, prior recognition and the way that the proposals are at the desk virtually excluded that possibility.

As I mentioned last evening, and I wish to mention to all of those who will be involved in the course of the day, just as the minority leader mentioned, that issue is still of currency, perhaps more so today, after the statements that have been made by Mr. GINGRICH and Mr. ARMEY that there will not be any vote on the minimum wage in the House of Representatives this year.

The idea that there has somehow been some willingness to try to work the process, to try and find some common ground, compromise on this received its answer yesterday with the clear statement of Mr. GINGRICH and Mr. ARMEY that there will not be a vote in the House of Representatives.

That does not surprise us because that has been their position for some period of time, although as recently as 2 days ago Mr. ARMEY thought they might be willing to consider the effective elimination of the earned-income tax credit that reaches out and provides help and assistance to children and workers at the lower levels of the economic ladder, and that some new entitlement that would be administered by the Internal Revenue Code would be set up by which the taxpayer would subsidize a number of the industries that hire $4.25-an-hour Americans, that would be costly to the taxpayers. It would be an entitlement program, a new entitlement program with new bureaucracy, I think completely unworkable, as a way of helping and assisting the industries which are employing the minimum wage worker.

Mr. President, I make this point now and then I will move toward the issue at hand, that we are still intent upon offering this amendment. We have an opportunity to offer it. We will during the course of this day and every day. So we want to just make sure that our friends and colleagues are aware of that. That is our intention. I am quite confident that sometime in the very near future we will have the opportunity to do so.

The bottom line is our Republican friends honor work. They say they honor work. They want to encourage Americans to work, and yet they refuse to provide them a living wage so that they can receive a just compensation to keep them out of poverty. That is the issue. That is the issue. No matter how you slice it, that is the issue.

That issue is a matter of fundamental justice and fairness in our society, and the fundamental issue of justice and fairness will not go away.

I see a number of our colleagues on the floor who wish to address this issue, but I want to try to put this whole issue into some perspective. The question that is before the Senate deals with illegal immigration. That is the matter of greatest concern. These are individuals who violate the laws, effectively take American jobs, come here unskilled and, in many instances, take scarce taxpayer dollars to support their various activities in this country. That is an entirely different profile from those who are legal immigrants.

We will have an opportunity to debate that issue when we address the legal immigration. But I can tell you, the studies that have been done about what happens with legal immigration demonstrate these are hard-working people, overwhelmingly successful. They are contributors to our society. We ought to be debating today illegal immigration.

The issues of families go to the core of legal immigration. The basic concept, in terms of what immigration policy has been about since the McCarran-Walters Immigration Act is, No. 1, the reunification of families. The reunification of families—that has been No. 1. It has only been in recent years that we have talked about the issues of bringing in special skills.

I still support the special skills that will enhance American employment. To me, it makes sense. I think, when we have the opportunity to talk about legal immigration we will find there is a difference here between the very special skilled and others who are coming in, but that is the heart of legal immigration.

It is illegal immigration here, which is burdening many of our States, eight States that have the 85 percent of the illegal immigration, taking American jobs. In too many instances, they are individuals whose lives have been complicated by crime and violence. That is the major concern. In order to address that issue, we ought to focus on that issue and just that issue today.

If we are going to get off on the legal immigration, which this amendment is all about—because what we are talking about are total numbers, the numbers we are going to be seeing here. We will have a good opportunity to talk about that during the time we have legal immigration. Some of the provisions that were on the Simpson amendment about reducing the numbers of skilled workers and the diversity issues may have some appeal at some time, but not as a part of this particular legislation. I urge my colleagues to reject the Simpson proposal.

Senator SIMPSON talks about who is closer to the Jordan Commission. The fact of the matter was, when Senator ABRAHAM and I offered the amendment in the Judiciary Committee, we were closer to the Jordan numbers than the author of this amendment. We were closer.

One of the important points my friend from Wyoming left out in his presentation was the fact that the Jordan Commission said we ought to address the backlog of children and loved ones, members of the family who have been trying to be reunited with their families—permanent resident aliens.

She suggested we have some kind of process and procedure to permit those families to be reunified. But not this proposal—absolutely not this proposal. This proposal effectively excludes and cuts out all of those. But this proposal would go even further. It would say, if you are a permanent resident alien and you have a son, that individual might not come here to the United States for 5 more years; let alone the hundreds of thousands of people who have been playing by the rules, who have signed up, their relatives signed up to be able to take their turn to come to the United States, to be reunified with their family—they are off the charts.

Now you have a new group. I am interested about that red pen going around those individuals. What about, do I care less about my son's wife than I do about my son? We will have an opportunity to talk. We are talking about real people, real people who are going to be affected, and real families. It is not just the ones who are under that roof. The nuclear family you talk about includes the brothers and the sisters and the fathers and the children of those families.

With all respect to my colleague, talking about chain migration, it is a problem, but it is not the problem that has been described here on the floor of the U.S. Senate.

If you look back at the GAO report on chain migration—and we address the issue of chain migration in the Abraham amendment. We are committed to addressing it when we have the legal immigration issues. But one other important fact that has been missing is that we here in the U.S. Senate passed one bill in 1986 and another one in 1990, one to deal with illegal, one to deal with legal. We had two separate commissions, under Father Hesburgh, one to deal with legal, one to deal with illegal, and that is the way we have proceeded.

The Jordan Commission had one report for legal and another for illegal. Interesting. Why? Because she understood, and the commission understood, that you should keep those issues separate. That is what we are doing here on the floor of the U.S. Senate.

Let us debate the issues on illegal and then debate the issues on legal. Barbara Jordan recommended it. Barbara Jordan suggested it. Barbara Jordan suggested we deal with the backlog of family members, but that has not been included in the amendment of the Senator from Wyoming.

On the issues of chain migration, which we address in our amendment and which we will continue to address, we have to put this in some proportion. Senator SIMPSON solves it, all right, but is hitting a tack with a sledgehammer. How much of a problem is this?

Here is the GAO: ''64 percent of petitioners who were exempt-immediate-relative immigrants * * * were native-born United States citizens. Among the remaining 36 percent of petitioners who were once immigrants, the average time between their arrival and the arrival of their exempt-immediate-relatives was about 12 years.'' Twelve years. The way this was presented is they come in the morning and they bring everybody else in in the afternoon—12 years.

Let us look at how much of a problem this really is. ''Only about 10 percent of former immigrant petitioners were admitted under the numerically restricted fifth preference category, brothers and sisters.'' Ten percent, total numbers, 12 years. We ought to address it. We did address it in our program. We will address it when we have the opportunity to deal with the legal immigration.

This amendment, as I mentioned, is basically about families. It is important that we not lose sight of that particular issue. What this amendment does to American families is exactly why we should separate legal and illegal. The key difference between the proposals of Senator SIMPSON and what Senator ABRAHAM and I propose in the committee is that Senator SIMPSON's amendment does not allow for fluctuation in family immigration.

We have heard about the changes that have taken place as a result of the 1986 act, where we provided a period of amnesty in order to clear up the problems with illegal that we had in this country at that time, and then we put in the employer sanctions provisions to try to start with a clean slate.

Now, what we have here in the United States as a result of that amnesty of 1986, we have some bump because of that one particular action. That will mean, over the next 5 years, some increase beyond what we expected and beyond what was testified to by Doris Meissner, although Doris Meissner did indicate, in September of last year, that there would be further naturalizations and was unable to detect exactly at that time what that increase might be. As a matter of fact, Barbara Jordan did not know what that increase would be. Barbara Jordan had the same figures that Senator ABRAHAM and I had, and others had, in terms of this. Those are the same thing.

She had a staff of experts that have complete access to all of these studies and figures, and she basically had the same kind of figures that all of us had when we were dealing with this issue in the Judiciary Committee. Now we have the blip that will come for the period of the next 5 years, and we will offer the amendments at the time we get to legal immigration. We do not have that opportunity now. I thought we were going to do just the illegal immigration, but now we have the legal immigration issues, in terms of family, that we are faced with.

So we have been operating in good faith. We are committed to act responsibly with a reduction that also respects the members and children of the families, in a very limited program, in terms of the reunification of brothers and sisters.

Mr. President, I want to point out a few other items. I see others are on the floor who want to address this issue. The effect of this program on families will be in 1997 a 33-percent reduction below the current law; in 1998, 28 percent; 23 percent in 1999; 18 in the year 2000; 12 percent in the year 2001.

It basically will say that adult children of American citizens will get no numbers for the next 5 years—of American citizens, adult children will get none.

Let me give you what this has meant in terms of some of those in my own State. This means someone who immigrates to the United States while his daughter is still studying abroad, marries an American, becomes a citizen in 3 years and then wants his daughter with him once she finishes college abroad, and he cannot bring her here.

That means the Bosnian refugee I met in Boston who left his adult children behind because of the conflict in Bosnia could not bring them here once he becomes a citizen. It says to brothers and sisters of citizens that you will effectively be zeroed out. It says, ''Take a hike,'' to those Americans who paid money to the Government to get their brothers and sisters here and have been waiting patiently for years.

Under the Abraham-Kennedy proposal, we at least try to reduce part of the current backlog; not all of it, but

part of it. For some Americans, a brother or sister is all they have. There is a Cambodian woman in Lowell, MA, who thought her entire family was wiped out by Pol Pot's terror. She then found out she had a sister who survived. That is her only family left, and she wants her sister with her in America, but this amendment says no brothers or sisters for the next 5 years.

The other evening, we adopted a proposal by Senator CONRAD for doctors to come to medically underserved areas. It was unanimously accepted here. Last week, we accepted 20 foreign doctors per State to go into underserved areas. This amendment says they cannot bring their children and they will not have their adult children here or brothers or sisters. They just cannot do it, and it ignores the big priority the Jordan commission gave to reducing the backlog of spouses and children of permanent residents.

Mr. President, I believe the final point I want to make is we have to look at what is happening in the House of Representatives. The House Judiciary Committee bill capped families at 330,000, and the conferees will be itching to make the cuts in this category. We are going to see significant reductions on whatever we do over here based upon what is happening over in the House. The U.S. Senate should not fall into that kind of a situation.

We are saying that we want your skills and ingenuity, but leave your brothers and sisters behind. We want your commitment to freedom and democracy, but not your mother. We want you to help rebuild our inner cities and cure our diseases, but we do not want your grandchildren to be at your knee. We want your family values but not your families.

Mr. President, this amendment should not be on this bill. We should have an opportunity to debate these issues when legal immigration comes up, and I hope the amendment will not be accepted.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I hope by the tenor of this debate this morning that further amendments are not being closed out. I would be very upset and very concerned if they are, coming from a State that handles 40 percent of the immigration load, whether it be illegal or legal, in the United States and 40 to 50 percent of the refugees and 40 to 50 percent of the asylees in the United States of America. It would seem to me that the voices of the two Senators from California and amendments that they might produce in this area are worthy of consideration by this body. If I judge the tenor of the debate, it will be to close out other amendments, and I very much hope and wish that that will not be the case.

In any event, I am going to take this time now to explain what I have in mind and to explain that I would like to send a compromise amendment to the desk. This compromise amendment is between the Kennedy proposal and the Simpson proposal.

The debate has been changed. I appreciate what the distinguished Senator from Massachusetts said, that this debate is not about legal immigration. But the fact of the matter is that we have received in committee incorrect numbers on legal immigration, and those numbers are so dramatically different from the fact of what is actually happening, we learned from the press, that it does, by its own weight, changes the debate.

When we hear in committee—and I serve on the Judiciary Committee and on the Immigration Subcommittee—that legal immigration numbers have been going down and will continue to go down—and that has been the testimony—and then yesterday I read press that says, ''Immigration Numbers to Surge,'' and from one of the most distinguished journalists, Marcus Stern of the San Diego Union Tribune: ''Border Surprise, Outcry Greets INS Projection of Soaring Legal Immigration,'' and when the Department's own numbers indicate that immigration in fiscal year 1995 was 1.1 million and in fiscal year 1996 will be very close to that 1 million mark, what we thought we were dealing with in the vicinity of 500,000 or 600,000 is clearly not the reality.

Now, reports are one thing, numbers are another. Numbers affect classroom size, they affect housing markets in States that have major impact from legal immigration. California is on a tier of its own in this regard.

So I am very hopeful that this body will not make it impossible for the Senators from California to put forward a compromise proposal. I am having copies of that proposal at this time placed on the desk of every Member of this House.

Essentially, what the proposal would do is control increases in total family numbers and control chain migration. We would allow reasonable limits in family immigration totals for the next 5 years by placing a hard cap at the current law total of 480,000, without completely closing out adult-children-of-citizen categories and providing for the clearance of backlogs without creating chain migration.

Every Member will shortly have a chart which will show the difference between the Feinstein proposal with the hard cap of 480,000 and the Simpson amendment with a hard cap of 480,000 and no backlog reduction.

Also distributed to you will be a chart which will show current law. We now know that although current law is 480,000, it is going to be close to 1 million. The Kennedy proposal of 450,000, which is in the bill, with increases in the immediate family with an anticipated additional increase of 150,000—the Kennedy proposal numbers will be close to 1 million. It will be a major increase in legal immigration, if one is to believe the figures that INS has just put out.

We will also distribute to each Member the new figures of the Immigration and Naturalization Service. Under current law, INS projected 1,100,000 family immigration last year; and what they say will be in fiscal year 1996, is 934,000, similar to the figures under the Kennedy proposal which is now in the bill.

I voted for the Kennedy proposal in committee. I did so with the assurance that the numbers were not going to be increased. The first time I knew that was not the case was when I saw a New York Times article saying that in fact these numbers swelled legal immigration totals. And then of course yesterday we saw that the numbers were off as given to us by INS by 41 percent.

Current law has increased the numbers, due to the naturalization of 2.5 million people whom are legalized under IRCA. The spouse and minor children of citizens is going to increase for the next 4 years, increasing an anticipated average of between 300,000 and 370,000 or more per year for the next 4 years. I would suspect that even these numbers are going to be higher.

Under current law the spouse and minor children of citizens are unlimited. The family total of 480,000 is a pierceable cap, which means the additional increases in this category due to IRCA legalization, pierces the cap and increases family immigration numbers over the 964,000 in fiscal year 1996.

So that number, even the projected numbers, are going to be low. Also under current law, another source of increase in family numbers is the spillover from unused visas in the employment base category. In fiscal year 1995, 140,000 visas were available and only 85,000 were used. This means 55,000 spilled over to the family category.

What my compromise amendment does, what the Feinstein amendment would do, is stop the pierceable cap, place a hard cap on the 480,000 that are theoretically allowable today. That is the current law, but without the anticipated increases, because the hard cap would stop that. It would also stop the spillover from the unused employment visas, the loophole in the current system that no one talks about.

Fairness, I believe, dictates that we do not close out the preference categories. Let me tell you why. I think Senator ABRAHAM and others, Senator FEINGOLD, understands this. Under our present system, if you close out the family preferences, there is no other way for these members of families to come to this country—no other way—not in the diversity quotas, no other way. So if you close them out, you foreclose their chances of ever coming to this country. And they are on a long waiting list now. So I think the fair way to do it is to place a hard cap on the numbers and then allocate numbers within each of the preference categories.

So I do that. I do not close out the preference categories. I would have

parents and adult children guaranteed to receive visas every year, remaining consistent with the goal of family reunification.

I would allocate visa numbers on a sliding scale basis for parents and adult children of citizens, allowing for increases in visas when the numbers fall within the unlimited immediate family category. However, they must always remain within that 480,000 hard cap.

I would allow the backlog clearance of spouses, minor children of permanent residents by allowing 75 percent, with any visas left over within the family total to be allocated to this category's backlog clearance.

I would also control chain migration, where one person ends up bringing in 45 or 40 other people, often not blood relatives. Commissioner Doris Meissner has told me that what permits chain migration is the siblings of the citizen category. I would place a moratorium for the next 5 years on this category. However, if there are any visas left over within the hard cap of 480,000 our family amendment allows 25 percent of the leftover to be used for backlog clearance of siblings, those who have been waiting for many years.

The problem with the Simpson amendment is that in its operation it would provide no visas for adult children of citizens. It would provide no guarantee of visas for children of citizens. All the numbers left over from Simpson's hard cap family numbers go to spouses and minor children of permanent residents, where the 1.1 million backlog remains. This means no one else who has been waiting to reunite with their children will be able to do so in the next 5 years.

The Simpson amendment provides no backlog reduction plan. The amendment is a simple, straight spillover, giving preference to permanent residents over U.S. citizens' families.

The problem with the Abraham-Kennedy provision, which is currently in the bill, is that there is no cap on the numbers. With an anticipated 2.5 million IRCA legalized aliens expected to naturalize in the next 5 years, the unlimited family numbers would result in a family immigration total of 1 million a year.

Recognize, 500,000 of these people are going to go to California a year. We do not have enough room in our schools. We have elementary schools with 2,500, 3,000 students in them, in critical areas where these legal immigrants go. There is no available housing. There is a shortage of jobs. So why would we do this, if the numbers are swollen 41 percent over what we were told when we considered this bill in committee?

The Kennedy-Abraham amendment also has a spillover provision from unused employment-based immigration visas. The current limit is 140,000. The actual use in 1995 was only 85,000, which means in addition to the increasing numbers in family immigration, there would be an additional 55,000 visas totaling up to 1 million in family immigration in 1996.

Third, the Kennedy-Abraham amendment increase chain migration by guaranteeing 50,000 visas for siblings of citizens in the next 5 years, which increases to 75,000 per year for the subsequent 5 years. INS Commissioner Doris Meissner has confirmed that the chain migration comes from the siblings category. Under Kennedy-Abraham, the bill would allocate 50,000 to 75,000 for siblings, more numbers in certain years than current law which allows 65,000 per year.

I believe that the Feinstein amendment is a reasoned balance between Simpson and the Abraham-Kennedy provision. It places a hard cap on the current level of 480,000 family total per year. It closes the loophole where the unused employment-based visas spills over to the family immigration numbers.

Third, it guarantees that close family members of citizens get visas each year with flexible limits, allowing increases in allocation of visas with decreases in the immediate family categories, which INS anticipates will flatten out in about 5 years.

The Feinstein amendment is about fair allocation of scarce visa numbers to protect reunification of close family members of citizens, while controlling the daunting increases in family immigration due to the increase in naturalization rates for the next 5 years.

Every member, Mr. President, has three pages. The first page would have current law, Feinstein and Kennedy; the second page, Feinstein and Simpson in the numbers in each of the categories. I can only plead with the chairman of the Immigration Subcommittee to please give me an opportunity to send this amendment to the desk so that the Senators, at least of the largest State in the Union affected the most by immigration, would have an opportunity to vote on it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I begin by clarifying a point here. I believe we are on the Simpson amendment here to the illegal immigration bill. References made by the Senator from California to the Abraham-Kennedy amendments being in this bill are not accurate. There is no provision related to the Abraham-Kennedy amendment in this bill because this is the illegal immigration bill we are dealing with.

The legal immigration bill, which we also passed in the Judiciary Committee, is at the desk and can be brought to the floor of the Senate. I believe and hope it will be brought to the floor of the Senate for discussions of the matters that pertain to legal immigration, including debate over how the allocation of visas ought to be made.

I am going to speak right now about the amendment that is pending, the effort by the Senator from Wyoming, the Simpson amendment, to inject legal immigration issues into this illegal immigration bill.

Mr. President, I have only been involved with this issue during my brief tenure in the Senate. I am very deferential to the Senator from Wyoming, who has worked on this issue for 17 years. I applaud his efforts. My efforts, which have been with a slightly different philosophical approach, are not meant to in any way suggest that what he has done has not been based upon sound thinking on his part.

However, I say from the outset, he indicated there were a lot of funny things that came up during immigration, a lot of intriguing twists and turns. I agree with him completely. The one thing that I learned more than anything else during our experience in the committee was the very real need to keep illegal and legal immigration issues separate rather than joining them together.

I also learned it was imperative that in discussing whether it was the illegal immigration issues or the legal immigration issues, they be done in a total and comprehensive way. Indeed, our committee deliberations on this lasted almost a full month, Mr. President.

That is why I think it is important that we continue the pattern which was set in that committee of dealing with illegal immigration issues in one context, the bill before us, and reserving the legal immigration issues, issues of how many visas are going to be provided, how those visas will be allocated, and so on, the legal immigration bill, which is also at the desk. It is wrong to mix these two.

As a very threshold matter in this whole debate about immigration, Senators should understand the very real differences between the two. Illegal immigration reform legislation, the legislation before the Senate right now, aims to crack down on people who break the rules, people who violate the laws, people who seek to come to this country without having proper documentation to take advantage of the benefits of America, people who overstay their visas once they have come here, in order to take advantage of this country. That is what this bill is all about. It does an extraordinarily good job of dealing with the problems surrounding illegal immigration. It is a testament, in no small measure, of the Senator from Wyoming's long-time efforts that such a fine bill has been crafted.

But there is a very big difference between dealing with folks who break the rules and break the laws and seek to come to this country for exploitative reasons, and dealing with people who want to come to this country in a positive and constructive way to make a contribution, to play by the rules, and, frankly, Mr. President, to make a great, great addition to our American family. It is wrong to mix these.

It would be equally wrong to mix Food and Drug Administration reform with a crackdown on sentencing for drug dealers. Yes, they both involve drugs, but one deals on the one hand

with people breaking the law and using drugs the wrong way, and the other deals with a reasonable approach to bringing life-saving medicines and pharmaceuticals into the marketplace. Those should not be joined together and neither should these. Anybody who watched the process, whether in our Judiciary Committee here or over on the House side, I think would understand that these issues have to be kept separate.

Let me say in a little bit more detail, let us consider what happened. In the Judiciary Committee, on the committee side, we had a vote. It was a long-debated vote over whether or not legal and illegal immigration should be kept together. The conclusion was very clear: a majority of Republicans and a majority of Democrats in the Judiciary Committee voted to divide the issues and to keep the legal immigration debate and issues separate from the illegal immigration issues. That, I believe, is what we should also do on the floor of the Senate.

It was not just at the full committee that that was the approach taken, Mr. President. It was also how the Immigration Subcommittee itself addressed these issues. It did not start with one bill on legal and illegal immigration. It recognized the very delicate and very complicated nature of each of these separate areas of the law. First it passed a bill on illegal immigration, and then it passed a bill on legal immigration. Only then did it seek to combine the two, which the Judiciary Committee felt was a mistake, and separated the two later on.

On the House side, Mr. President, we had the same thing take place. On the floor of the House of Representatives, a bill that included legal and illegal immigration reforms was tested. Overwhelmingly, the House of Representatives voted to strike those provisions such as the one or similar to the ones contained in the Simpson amendment which is before the Senate, provisions which dealt with legal immigration and dramatic changes to the process by which people who want to play by the rules come to this country and do so legally.

In the Senate Judiciary Committee, we have kept legal and illegal immigration separate. In the House of Representatives, they have kept them separate. The bill, which is sitting in the House side waiting to go to conference with us, does not have these legal immigration components that will be discussed today.

For those reasons, Mr. President, as a threshold matter, I think that the amendment that is being offered should not be accepted. I believe that it improperly puts together two very different areas of the law that should be kept and dealt with and considered separately, and I think we should not move in that direction.

I make a couple of other opening statements. I know there are other colleagues who want to speak, and I will have quite a bit to say on this and intend to be here quite a long time to say it. Even if there was a decision to somehow merge these together, Mr. President, I think the worst conceivable way to do it is to do it piecemeal as we are now talking about doing in this amendment.

If we were to consider these together, the notion of taking just one component—and a very significant one at that—out of the legal immigration bill and to try to tack it on to the illegal immigration bill before us, would be the worst conceivable way to address the issues that pertain to legal immigration in this country and the orderly process by which people who want to come and play by the rules are allowed into our system.

It is wrong, I think, as a threshold matter, to mix the two. It is even wronger to take a piecemeal approach to it as would be suggested by this amendment.

Mr. President, I say it would be wrong for this body to pursue this type of amendment offered by the Senator from Wyoming.

I also make another note. The Senator from Wyoming in his comments, as a threshold matter, suggested because visa overstayers constitute a large part of the illegal immigrant population in this country and because they at one time came to this country legally, we should somehow bring in the entire legal immigration proposal, misses the point.

With this legislation, once these folks have overstayed their visas, they are no longer legal immigrants. They are illegal immigrants. We have dealt with that effectively in the bill.

So, Mr. President, my initial comments today are simply these. As a threshold, it is wrong to mix the two. As a threshold, it is even wronger to mix them on a piecemeal basis. If we are going to consider legal immigration, the appropriate way to do so is to bring the full bill that was passed by the Judiciary Committee, which sits at the desk, to the floor of the Senate. I have no qualms about having a debate over that bill. I have a lot of different changes that I might like to consider, including some in light of the INS statistics that are being discussed. But that is the way to do it, not by tacking on this type of provision to a bill that should focus, in a very directed way, on illegal immigration and the problems we confront in that respect in this country today.

Mr. President, I know others are seeking recognition. I have quite a bit more to say, but I will yield the floor and seek recognition further.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I yield to my colleague from California temporarily. She wishes to introduce an amendment that will be held at the desk.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I might send a substitute amendment to the desk on behalf of Senator BOXER and myself.

The PRESIDING OFFICER. Is there objection?

Mr. ABRAHAM. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I, with all due respect, differ with my colleague from Wyoming on this. Were I to vote on the Feinstein amendment regarding this, I would vote against that, also. I think our colleague from Michigan is correct that we have to keep legal and illegal separate.

Now, it is true, as Senator SIMPSON has said, that the majority of people who are here illegally came in legally. But we have to add that this amendment will do nothing on that. These are people who came in on visitors' visas, or student visas. This amendment does not address that.

A second thing has to be added that somehow has escaped so far this morning, and that is, the majority of the people who come in as immigrants to our society are great assets to our society. Illinois is one of the States that has major numbers in immigration. But a smaller percentage of those who come into our country legally are on various Government programs, such as welfare, than native-born Americans, with the exception of SSI. That is an exception. And there are some problems we ought to deal with. There are problems we ought to deal with in illegal immigration. But not on this particular bill.

Let me also address the question of the numbers. There is some conflict, apparently, in the numbers that are going around. I think, in part, it is because the Immigration Service—and I have found them to be very solid in what they have to say—are projecting what is going to happen. And there is a bubble because we have this amnesty period. And so there is going to be a period in which the numbers go up, and then they will go back down. I do not think it is a thing to fear.

And then, finally, Mr. President, yesterday on this floor, I heard that we are going to be facing real problems in Social Security. We all know that to be the case. The numbers who are working are declining relative to the numbers of retirees, in good part, because of people in the profession of the occupant of the chair, Mr. President, who have added to our longevity. One of the things that happens in the fourth preference, where you bring in brothers and sisters, is that you bring in people who will work and pay Social Security. It is a great asset to our country, not a liability.

So I have great respect for our colleague from Wyoming. I think he is one of the best Members of this body, by any gauge. But I think he is wrong on

this amendment. I think we should separate these two insofar as possible, the illegal and the legal immigration.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise in very strong opposition to the Simpson amendment. I thank the Senator from Michigan for his leadership on it.

First of all, I think that this amendment is an unfortunate attempt to circumvent the will of the majority of this Congress, which has clearly indicated its strong desire to keep the issue of legal immigration separate from the issue of illegal immigration.

The other body has already sent a very strong message on a strong, bipartisan vote not to have any cutbacks, Mr. President, in current legal immigration levels.

Just a few weeks ago, after a very, very long process, the Senate Judiciary Committee, again on a very strong, bipartisan vote, voted by a large margin to keep these two areas of law separate—legal and illegal immigration.

Groups and organizations from across the political spectrum have united behind the common goal of keeping legal immigration separate from the issue of illegal immigration.

This includes a lot of business groups, such as the National Association of Manufacturers; labor groups, such as the AFL–CIO; religious groups, such as the American Jewish Committee and the Lutheran Immigration and Refugee Service, and liberal and conservative groups ranging from Americans for Tax Reform to the National Council of La Raza.

They are all opposed to this attempt to rejoin the issues of legal and illegal immigration. That is why, Mr. President, with this immense amount of support for considering legal immigration reform as a separate piece of legislation, I am disappointed that the Senator from Wyoming has chosen to offer this amendment today.

Just to review, the Senate Judiciary Committee voted by a 12 to 6 margin to split the two issues. Nonetheless, that vote did not prevent the committee, nor will it prevent the whole Senate from considering both issues. Indeed, after the committee had dealt with, at length, the illegal immigration bill and disposed of it, the committee very shortly moved on to discuss and consider and vote out a separate bill on legal immigration.

Mr. President, I am also somewhat troubled by what has been suggested both privately and publicly, that cutbacks in legal immigration cannot pass unless they are riding the coattails of strong illegal immigration reform. I think that is a very troubling notion.

If there are not enough votes in this Congress to pass a bill that reduces legal immigration, it should not be piggybacked onto a separate piece of legislation that has far more support.

If a particular proposal cannot pass based on its merit, what other possible justification could there be for its passage?

We have heard the argument that the issues of legal and illegal immigration are intertwined because so many immigrants come here on temporary visas and remain here unlawfully after their visas have expired. Fair enough. This is known as the visa overstay problem. But before the Abraham-Feingold visa overstay provision was adopted by the Judiciary Committee last month, there was not a single word in this bill about that issue, about the significant number of people who are here illegally because they overstay their visas.

Let me emphasize that point, Mr. President. It is important for all Senators to understand that the visa overstay problem represents roughly one-half of our entire illegal immigration problem. We are not talking here about people who jump the fence along the Mexican border in the dead of the night and disappear into the American work force. We are talking about people who come here on a legal visa, usually a tourist or a student visa, and then refuse to leave the country when the visa expires.

That problem alone represents one-half of illegal immigration. The Senator from Wyoming is suggesting that the only way to combat that problem is to tie reductions in legal immigration to an illegal immigration bill.

Mr. President, that theory has already been discredited. The new visa overstayer penalties, authored by the Senator from Michigan and myself, are not contained in the legal immigration bill.

They are contained quite appropriately in this bill. They are in the illegal immigration bill and that is where they belong because the issue of visa overstay has to do with illegality. But this amendment offered by the Senator from Wyoming has nothing to do with illegality. It has to do with questions of levels of legal immigration and who should come in and when. But what was offered in committee—and what is a part of this bill—are targeted penalties and reforms against those legal immigrants who break the rules and, therefore, have conducted themselves illegally. It does not represent the approach of the Senator from Wyoming which is to clamp down on all of these immigrants whether they are playing by the rules or whether they are breaking them.

So the proposition that we need to tie the legal provisions to the illegal provisions so we can clamp down on the visa overstayer problem is just plain false. We have clamped down in visa overstayers, who are illegal aliens, in the illegal immigration bill.

As I indicated yesterday in my opening remarks, there has unquestionably been some abuse of our legal immigration system.

I will not, of course, deny that. But much like you wouldn't stop driving your car if you had a little engine trouble, we should not pass such harsh and unnecessary reductions in lawful immigration simply because a few have chosen to abuse the system.

Mr. President, let me be clear about my position on this issue; I will oppose any amendment that prevents a U.S. citizen from bringing a parent into this country.

I will oppose efforts to eliminate the current-law preference category that allows a U.S. citizen to reunite with a brother or sister.

And, I will oppose any proposal that would effectively prohibit a U.S. citizen from bringing their child into this country, whether a minor or an adult child.

And that is essentially what the proposal before us, offered by the Senator from Wyoming, would accomplish. It would redefine what a nuclear family is.

Supporters of this amendment assert that in terms of allocating legal visas, we should place the highest priority on spouses and minor children, both of U.S. citizens and of legal permanent residents.

I agree with this, Mr. President. And we can accomplish that goal and still permit sufficient levels of legal immigration of other family relatives. That is why a bipartisan amendment was adopted by the Judiciary Committee to place a stronger emphasis on the immigration of spouses and minor children while still providing visas to parents, adult children, and brothers and sisters.

That is what is currently in the bill. Unfortunately, the amendment before us would essentially terminate the ability of a U.S. citizen to bring these other family members into the country.

Parents would no longer be part of the nuclear family. Children, if they have reached the magic age of 21, would no longer apparently be children in the sense of being part of the nuclear family for purposes of the very strong desire of families to be reunited. The goal of wanting to be reunited with your children I do not think cuts off when the child reaches the age of 21.

Mr. President, in a sense that raises the question, What happened to family values? This proposal would turn the family friendly Congress into what in many cases would be a family fragmenting Congress.

So I think it is clear that we have two very distinct issues at play. We should not deal with this issue in a manner that suggests that those who abide by our laws are as much a problem as those who break them. I think that is an injustice to the millions and millions of immigrants who over the years have come to this country, and who have played by the rules and have become productive and contributing members to our society.

Mr. President, I join with the Senator from Michigan, the Senator from Ohio, and others in urging my colleagues to join the majority of the House, to join a majority of the Senate

Judiciary Committee, to join numerous business, labor, religious, and ethnic organizations, and to join the overwhelming majority of the American people who do not want to see such dramatic legal immigration cutbacks tacked on to a piece of legislation that seeks to punish those who break our laws.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise to oppose the amendment.

The first thing that I want to say is that I have the greatest respect for my colleague from Wyoming, and I know that no one has worked harder or longer on this issue. As he knows as well as anybody, it is not an issue that is very beneficial politically for anyone. But it has been something that the Senator has done out of a sense of duty, a sense of obligation to perform that function for the U.S. Senate, but more importantly for the people of this country for many, many years. He has done a very good job.

I rise, however, to oppose the amendment, and I rise to oppose it for two reasons.

First, I believe it is a fundamental mistake to mix the issue of legal immigration and illegal immigration. I will explain in a moment why I think that is a mistake.

Second, I rise to oppose the amendment because I believe on substance it is a mistake.

Let me start with the first reason. Let me start with why I believe it is a mistake to mix two very different issues.

As my colleague from Michigan has pointed out, this is an illegal immigration bill. That is what is in front of us today. It is important I think that we keep it that way. It is also important I think that we do what we said we were going to do, and that is after this bill is over with bring a legal immigration bill to the floor and battle that out and talk about that. But I think we need to keep the two separate.

Why? First of all, for historic reasons. These issues have always been divided by this Congress. Go back to 1986. The Simpson-Mazzoli bill was an illegal immigration bill. A few years later Congress dealt with the legal aspects of that, a legal immigration bill. And in fact, just this year when these bills started off in Senator SIMPSON's subcommittee they were separate bills. It was only at the end of the subcommittee's deliberations that they were combined. The full Judiciary Committee by a vote of 12 to 6 decided to separate them and to go back to the way this matter has always, or at least for the last 15 years or so, been dealt with.

So on historical grounds it is very clear this precedent is to keep them separate. There is absolutely no precedent to combine the two issues. It is interesting that the House of Representatives basically made the same decision when they deleted the significant portion, the portion of the illegal bill that had to do with illegal immigration, and they made that same decision. The House of Representatives did, and they did it by a fairly lopsided margin.

The second reason that it is important to keep these issues apart is I believe that a yes vote on this amendment does in fact merge the two issues and does in fact make it much more difficult and more unlikely that we will be able in this session of Congress to deliver to the President of the United States for his signature an illegal immigration bill.

If any of my colleagues who are in the Chamber or who are watching this back in their offices have any doubt about this, reflect on the debate of the last 2 hours and fast forward to later on today with more and more and more debate. I think the longer you observe this and how contentious some of these legal immigration problems are and the disputes are, it will be clearly understood that by taking a relatively clean illegal immigration bill and dump the legal issues into it makes it less likely that we will ever been able to pass a bill and send it on to the President of the United States.

I think there are clearly votes in this Chamber to pass a good illegal immigration bill. I am going to have an amendment later on to change a provision of the illegal bill. My colleague from Michigan is going to have a separate amendment to change it. We are going to vote those up or down. We are going to argue those out. But ultimately we are going to be able to pass the illegal bill.

If we start down this road of amendments that are clearly dealing with the legal aspect of this, I am not as confident that we are going to be able to pass a bill. I am not as confident that we are going to be able to do what my friend from Wyoming wants to do, and I think the vast majority of the American people want to do; that is, to pass a good illegal immigration bill and send it to the President of the United States.

The third reason I believe it is a mistake to combine these issues, these issues that we have historically not combined, is that once you begin to do that, it makes good analysis more difficult and we begin to confuse the two very distinct issues.

We have in this country an illegal immigration problem, and we all agree on that. I think there is pretty broad consensus about what to do about it. There are a lot of good provisions in this bill. I do not believe we have a legal immigration problem. Illegal immigrants are lawbreakers. They are lawbreakers. And no country can exist unless it enforces its laws. We absolutely have to do that.

Legal immigrants, on the other hand, are by and large great citizens. They are people who care about their families. They are people who work hard. They are people who played by the rules to get here, got here legally, and add a great deal to our society.

The linkage of the legal and illegal bills, which is what this amendment really is going to end up doing, brings about a linkage and I think many times a distortion of the correct analysis. Let me give two examples, two examples of what failure to keep the distinction between the illegal issue and the legal issue does.

I have heard many times the statement made that aliens use social services more than native-born Americans. They are on welfare more; they use up social services; they are a burden to society.

The reality is that statement may be technically true, depending on how you state it, but if you talk only about legal immigrants, that statement is totally wrong. In fact, the facts fly in the face of that because the facts show that legal immigrants are on welfare less than native-born citizens. Although I have not seen any studies or empirical data about this, just from observation—admittedly, it is anecdotal—it would seem to me that the legal immigrants, citizens now, care very much about their families and have intact families and work very, very hard. The fact is that they are on welfare less. The fact is that they do consume social services less than native-born citizens. That is the truth. So you can see how the mixing of the rhetoric and the mixing of the issues causes problems.

The second example of how mixing these issues causes a problem: The statement is made—and it is a correct statement—that one-half of all illegal immigrants came here legally. Let me repeat that. One-half of all illegal immigrants came here legally. That is true. That is a true statement. But these are not legal immigrants. ''Immigrant'' is a term of art. They are not legal immigrants. They did not come here expecting or being told that they could become citizens. These are, as my friend from Wyoming pointed out, students who overstay their visas. These are people who come here to work who overstay. As my colleague from Wisconsin correctly pointed out, the Simpson amendment does not deal with this issue. It does not deal with this problem. And it is a problem.

The bill does. We took action in the bill and in committee to try to rectify this problem. Again, you have a difficulty when you confuse the terminology. Yes, these individuals came here legally, but they were never legal immigrants. They never came here with the expectation they would become citizens. They have no right to expect that. So when we analyze legal immigrants and we talk about the burden they place on society, we talk about where the problem of illegal immigration comes from, it is important to keep the distinction correct and to watch our terminology.

Therefore, I believe for practical reasons, for historic reasons, and also for

reasons of good analysis, we should vote no on this amendment. A yes vote links these two issues. It takes an illegal immigration bill that we can pass and shoves into it issues that should be kept separate and dealt with distinctly, and I would say I clearly believe that they should be dealt with later on on this floor in a separate bill.

Let me turn, if I could, for a moment, Mr. President, to the merits of this bill, and I am going to return to this later; I see several of my colleagues who are patiently waiting to talk.

If you look at the merits, I think you have to look at the big picture. I believe that, unfortunately, the effect of the Simpson amendment is to go against some of the best traditions of our country. It really flies in the face of what our immigration policy should be and has been, at least has been throughout a great portion of our history. That immigration policy in its best days, most enlightened, has been based on two principles. One is that the United States should be a magnet, a magnet for the best and the brightest, yes, but also a magnet for the gutsiest, the people who have enough guts to get up, leave their country, get on a boat or get on a plane or somehow get here, come into this country because they want a better future for their children and their grandchildren and their great grandchildren.

The second basic tenet of our immigration policy at its best has been family reunification. We talk in this Congress a lot about family values. We talk about how important families are. They are important. Our immigration policy at its best has put a premium on family reunification. I believe that the net effect of this amendment, however well-intentioned, is to fly directly in the face of those traditions. It is antifamily. It is antifamily reunification and goes against the tradition of trying to attract the best people in this country, people who are the most ambitious, the people who are willing to take a chance.

Let me just give a couple of examples, and I will come back to this later.

The net effect of this amendment is to exclude adult children. Let me take my own example. We all relate things to our own lives. My wife Fran and I have had eight children. Let us assume that I just came to this country. Let us assume that I became a U.S. citizen. The effect of the amendment would be to say, some of your children, a part of your nuclear family—part of them are part of your nuclear family—our younger child, Anna, who is age 4, she could come. Mark, who is 9, could come. And Alice could come; she is 17. Brian, who just turned 19, he could come, too. But John, who is 21, he is not part of your nuclear family. You could not bring him over. He is going to college. You could not bring him. He could not become a citizen. It would say about my older children, Patrick and Jill, they could not come. I think that is a mistake. I think, again, it goes against the best traditions and the history of this country.

The amendment even goes further, the net effect of it does. It says, if you have a child and that child happens to be a minor, but if that child is now married, that child is not going to get in either. Again, I think that is a mistake. We hear talk about brothers and sisters. It is easy to say it is really not important that brothers and sisters come. My colleague from Massachusetts, Senator KENNEDY, has given a couple of examples of what impact that would have. Maybe you can argue the brothers and sisters issue either way. Let me make a couple of comments about it. One of the ways legal immigrants have been able to succeed when they come here—you see it, you certainly see it in the Washington, DC, area. You see it in other parts of the country, too. You see, in small businesses that have been started, you see whole families in there working, people who are hustling, people who are not looking to the State or Government for handouts, but rather people in there trying to make it. They are making it because everybody in the family is working. Somehow, I do not think that is bad. Somehow, I think that is really in the best tradition of this country. It is in our history, each one of us on this floor.

I will make another point in regard to this. Whatever you think about whether brothers and sisters should be able to come in, this amendment would close the door to brothers and sisters of U.S. citizens who have already—these are brothers and sisters of U.S. citizens—who have already paid their fees, applied for admission and been admitted; who waited in line, many times for years, who have done the right thing, who have done everything we told them to do—''Be patient, wait in line, your turn will come.'' They get right up to the door and with this amendment we will say, ''No, that is wrong, we have changed the rules.'' We can do that. We have every right to do that. I just do not think we should do it. I do not think it is the right thing to do.

Let me at this point yield the floor. I do want to address some of the issues my friend from Wyoming has brought up, but I see my friend from Alabama is on the floor. Several other Members are waiting. Mr. President, in just a moment I am going to yield the floor.

Let me briefly summarize by saying that any Member who thinks these issues should not be joined, who thinks we should keep the issues separate and apart and distinct, any Member who is really concerned about increasing the odds of passing and seeing become law an illegal immigration bill, should vote ''no'' on this amendment. You should vote ''no'' if you want to keep the issues separate. You should vote ''no'' if you want to increase the odds of finally getting an illegal immigration bill on the President's desk and signed into law this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise today to support the Simpson amendment which, I believe, is a first step in restoring common sense to our Nation's immigration system.

I ask unanimous consent I be added as a cosponsor of the Simpson amendment.

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

Mr. SHELBY. Mr. President, there has been substantial debate recently regarding the connection between legal and illegal immigration. Those who favor increased legal immigration have argued there is no link between legal and illegal immigration. In their view, these matters are completely unrelated and should be treated separately, as you just heard.

I disagree. It is simply impossible, I believe, to control illegal immigration without first reforming our legal immigration system. One-half of all illegal immigrants enter the country legally and overstay their visa. No amount of effort at the border will stop this. The only way, I believe, to effectively prevent illegal immigration is to reform our legal immigration system. Thus, I believe there is a clear link between legal and illegal immigration. I support Senator SIMPSON's proposals to reform the legal immigration system, but I am concerned that even his efforts to reduce legal immigration do not go far enough.

With all the misinformation and misunderstanding surrounding this issue, it does not seem possible for this body to pass legislation which will, in my view, bring the number of legal immigrants into line with our national interests. The central question, as I see it, is not whether we should continue legal immigration; we should. The problem is not that legal immigrants or legal immigration are bad per se—they are not. We are a Nation of immigrants, and immigrants have made great contributions to our country, as you have heard on the floor. Immigration is an integral part of our heritage, and I believe it should continue. The real issues that Congress must face, however, are what level of legal immigration is most consistent with our resources and our needs. Yes, and what criteria should be used to determine those who will be admitted. I am convinced that our current immigration law is fundamentally flawed and I want to share with you some charts to illustrate this point.

First, the law has long been allowing the admission of excessive numbers of legal immigrants. Let me show you this chart. This chart here shows that the average number of immigrants in this country admitted per year has climbed to about 900,000. You can look at the chart. From the 1930's to the 1990's, it is just in an upward spiral.

Additional legal immigration levels averaged about 300,000 per year until the 1965 Immigration Act. As this chart

indicates, this is the bulk of immigrants in our country. Three-fourths of the immigrants are legal immigrants. This is three times our level of illegal immigration. There is no other country in the world that has a regular immigration system which admits so many people. Current law fails to consider if such a massive influx of foreign citizens is needed in this country. It also fails to recognize the burden placed on taxpayers for the immigrants' added costs for public services.

Excessive numbers of legal immigrants put a crippling strain on the American education system. Non-English speaking immigrants cost taxpayers 50 percent more in educational cost per child. Schools in high immigration communities are twice as crowded as those in low immigration areas, as this next chart indicates.

Immigrants also put a strain on our criminal justice system. Foreign-born felons make up 25 percent of our Federal prison inmates—25 percent, much higher than their real numbers.

Immigrants are 47 percent more likely to receive welfare than native-born citizens. In 1990, the American taxpayers spent $16 billion more in welfare payments to immigrants than the immigrants paid back in taxes. At a time when we have severe budget shortfalls at all levels of government, our Federal immigration law continues to allow aliens to consume the limited public assistance that our citizens need. Moreover, high levels of immigration cost Americans their jobs at a time when we have millions of unemployed and underemployed citizens, and millions more who will be needing jobs as they are weaned off of welfare. It is those competing for lower skilled jobs who are particularly hurt in this country. Most new legal immigrants are unskilled or low skilled, and they clearly take jobs native citizens otherwise would get.

Second, criteria to select who should be admitted does not incorporate, I believe, our country's best interests. As the next chart shows, who are the legal immigrants? Employment based is only 15 percent. Immediate relatives, 31 percent; other relatives, 27 percent; 4 percent is relatives of people who were given amnesty under other legislation. The others are refugees and asylees, 15 percent. The diversity lottery, 5 percent.

But look at it again: Immediate relatives, 31 percent; other relatives, 27 percent. Relatives predominate the immigration.

The 1965 Immigration Act provisions allow immigrants to bring in not only their immediate family, Mr. President, such as their spouse and minor children, but also their extended family members, such as their married brothers and sisters who then can bring in their own extended family. The brother's wife can sponsor her own brothers and sisters, and so forth. This has resulted in the so-called chain migration we have been talking about, whereby essentially endless and ever-expanding chains or webs of distant relatives are admitted based on the original single immigrant's admission. This can be 50, 60, or more people. I believe this is wrong, and it must be stopped.

Immigrants should be allowed to bring in their nuclear family—that is, their spouse and minor children—but not, Mr. President, an extended chain of distant relatives.

Some opponents of reforming legal immigration who are fighting desperately to continue the status quo will say that only a radical or even reactionary people favor major changes in the immigration area. However, bringing our legal immigration system back under control and making it more in accord with our national interest is far from adequate, I submit.

Let me remind my colleagues that the bipartisan U.S. Immigration Reform Commission, under the leadership of the late former Congresswoman Barbara Jordan, recommended fundamental reforms in the current legal immigration system, and the overwhelming majority of the American people want changes in our legal immigration system. I certainly would not consider mainstream America radical or reactionary.

The next chart shows that the results of a recently released national Roper Poll on immigration are dramatic:

More than 83 percent of Americans favor lower immigration levels: 70 percent favor keeping immigration levels below 300,000 per year; 54 percent want immigration cut below 100,000 per year; 20 percent favor having no immigration at all;

Only 2 percent—only 2 percent, Mr. President—favor keeping immigration at the current levels.

I believe we should and I believe we must listen to the American people on this vital issue. If we care what most people think, and we should, and if we care about what is best for our country, I believe we will reduce legal immigration substantially by ending chain migration and giving much greater weight to immigrants' job skills and our own employment needs.

Mr. President, I support the Simpson amendment, which I am cosponsoring, to begin reducing legal immigration.

ONLY INITIAL STEP

I emphasize ''begin'' because the amendment is but a first step toward the fundamental reform and major reductions in legal immigration that we need. I would like us to do much more now. Congress should pass comprehensive legal immigration reform legislation this year instead of adopting only a modest temporary reduction. Even as an interim step, I would prefer tougher legislation, like S. 160, a bill that I proposed earlier. That bill would give us a 5-year timeout for immigrants to assimilate while cutting yearly legal immigration down to around 325,000, which was roughly our historical average until the 1965 Immigration Act got us off track.

Nevertheless, I am a realist and have served in this body long enough to know that the needed deeper cuts and broader reforms cannot be adopted before the next Congress. This is a Presidential election year and the time available in our crowded legislative schedule is quite limited. Most attention has been focused until recently on the problems associated with illegal immigration, and many Members have not yet been able to study legal immigration in the depth that is needed to make truly informed and wise decisions. The House has already voted to defer action on legal immigration reforms. Moreover, the separate legal immigration bill recently reported by the Senate Judiciary Committee is controversial and fails to provide a proper framework for real reform. The committee's bill disregards most of the widely acclaimed recommendations of the bipartisan U.S. Commission on Immigration Reform made under the able leadership of the late former Congresswoman Barbara Jordan.

Let me take a moment to comment on the history of the committee's legal immigration bill, S. 1665, because it is relevant to this discussion. Originally, Senator SIMPSON, chairman of the Immigration Subcommittee, took many of the key recommendations of the Jordan Commission, which spent 5 years studying every aspect of U.S. immigration policy, and turned them into S. 1394, the Immigration Reform Act of 1996. The bill, as Senator SIMPSON drafted it, set out many very sensible reforms—reforms proposed by the Commission and which the American people overwhelmingly support. It would have instituted a phased reduction in legal immigration, ended extended family chain migration and placed greater emphasis on selecting immigrants based on their job skills and education while taking our labor market needs more into account.

Unfortunately, the legal immigration bill that has been reported to us is radically different than the original Simpson legislation and the Jordan Commission's recommendations. The American people want fundamental immigration reform, and yet the committee's bill gives us the same old failed policies of the past 30 years, albeit in a different package. Mr. President, supporters of that bill ought to be thankful that truth in advertising laws do not apply because what they are selling to the American people as immigration reform is anything but. That bill not only fails to make such much needed recommended systemic reforms, it actually increases legal immigration levels.

Given these circumstances, it is clear that major cuts and comprehensive legal immigration reform will have to wait until the next Congress. Nevertheless, I believe that it is important to begin the debate and to begin making at least some reductions in the numbers of legal immigrants. This amendment's modest temporary reductions in

legal immigration appear to be about all that might be done this year. Therefore, I am supporting this amendment.

REFORM IN 105TH CONGRESS

I want to make it clear, however, that in the next Congress I will fight very hard to ensure the enactment of the fundamental reforms needed to restore common sense to our immigration system and to best serve our national interests. I intend to push for legislation incorporating many of the changes recommended by the Jordan Commission and other immigration experts.

I believe that while we must allow immigration by immediate nuclear family members of citizens and legal permanent residents, we must significantly reduce legal admission levels by eliminating many preference categories, especially those for extended relatives, as proposed by the Commission. Most of our legal immigrants are admitted through the family preference system put in place by the misconceived 1965 Immigration Act. Admission is not on the basis of their job skills or our labor market needs. Only about 6 percent of our legal immigrants are admitted based on employment skills.

CHAIN MIGRATION

The 1965 act's provisions allow immigrants to bring in not only their immediate family members—such as their spouse and minor children—but after they become citizens they also may sponsor their extended family members—such as their married brothers and sisters—who then subsequently can bring in their own extended family. For example, the brother's wife can sponsor her own brothers and sisters, and so on. This has resulted in the so-called ''chain migration'' effect whereby essentially endless and ever-expanding chains or webs of more distant relatives are admitted based on the original single immigrant's admission. This can be 50, 60 or more people. This is wrong, and it must be stopped. It creates ever-growing backlogs because the more people we admit, the more become eligible to apply. Immigrants should be allowed to bring in their nuclear family (e.g., spouse and minor children), but not an extended chain of more distance relatives. In addition, we must give greater priority to immigrants' employment skills and our labor needs when we reform admission criteria.

Proponents of high immigration levels argue that we must retain extended family admission preferences in order to protect family values. Well, let us remember, Mr. President, that when an immigrant comes to this country, leaving behind parents, brothers, sisters, uncles, aunts, and cousins, it is the immigrant who is breaking up the extended family. Why does it become our responsibility to have a mechanism in place to undo what the immigrant himself has done? Why is it the responsibility of the American taxpayer who picks up the tab for so many legal immigration costs to have to let the immigrant bring more than his or her immediate nuclear family here? Where do our obligations to new immigrants end? Apparently they never do in the minds of immigrationists who advocate continuing an automatic admission preference for this ever-expanding mass of extended relatives. Each time we admit a new immigrant to this country under our present system, we are creating an entitlement for a whole new set of extended relatives. For most, this means being added to the admission backlogs.

CHAIN MIGRATION INCREASES BACKLOGS

In that regard I want to observe that proponents of bringing in backlogged relatives at an even faster rate claim that family chain migration is largely a myth. I find this an astounding contention. The very fact that in recent years we have developed a massive, ever increasing backlog of extended relatives proves the point that chain migration is a reality. As the committee's report on its legal immigration bill, S. 1665, notes: ''Backlogs in all family-preference visa categories combined have more than tripled in the past 15 years, rising from 1.1 million in 1981 to 3.6 million in 1996.'' Family chain migration is real, and it's a real problem.

CONFUSION BETWEEN LEGAL AND ILLEGAL IMMIGRANTS

Mr. President, even the very modest reductions made in the pending amendment are viewed as unnecessary by those who favor retaining high levels of legal immigration. They have been saying that legal and illegal immigration provisions should not be considered together because there is confusion between legal and illegal. They say that Congress might let concerns over illegal immigration taint its view on how legal immigration should be handled, and that this could lead unjustly to reductions in legal numbers.

Well, after talking about immigration with many citizens in Alabama and elsewhere, I must admit that I have found that there is in fact considerable public confusion about legals and illegals. Furthermore, I agree that this is affecting how Congress is dealing with these issues, but the effect is not what immigrationists think. Ironically, the confusion is greatly benefiting the special interest immigration advocates and their congressional allies and undercutting the efforts of those of us who believe that major cuts in legal immigrant numbers and other reforms must be made. Concerns and confusion over illegal immigration actually are keeping Congress from making the large cuts in legal admission that otherwise clearly would be made this year. Let me explain why.

What I have found in repeated discussions with citizens from all types of backgrounds is that they are overwhelmingly concerned about the high numbers of new immigrants moving to our country. However, most people are under the mistaken impression that almost all of the recent immigrants came here illegally. When you explain to them that in fact that about three-fourths of the immigrants in the last decade are legal immigrants they are shocked. At first, they can't believe that Congress has passed laws letting millions of new people come here legally. Then, I have found that the shock and disbelief of most individuals I talked to quickly turns to outrage and anger, and they start demanding that Congress change its policy and slash legal admissions.

Thus, Mr. President, what I have found convinces me that most of our constituents are really just as upset about legal immigrants as they are about illegal ones. However, they frequently have only been voicing their concerns in terms of illegal aliens because they did not realize that the people they are upset about actually were here legally.

LEGAL AND ILLEGAL IMMIGRATION ARE LINKED

High immigration advocates also have argued that there is no link between legal and illegal immigration and that amendments relating to legal immigration are not appropriate to the illegal reform bill we are now debating. I strongly disagree. Legal and illegal immigration are closely linked and interrelated.

LEGAL PROVISIONS NOW INCLUDED

First, with respect to the linkage of legal and illegal immigration, Mr. President, let me also remind my colleagues that the so-called illegal immigration bill that we are debating already contains important provisions relating to legal immigration like those imposing financial responsibility on sponsors of legal immigrants. Thus, it clearly is appropriate to consider the pending amendment to reduce legal immigration.

LEGAL FOSTERS ILLEGAL

Our current legal admissions system makes literally millions of people eligible to apply, and therefore causes them to have an expectation of eventual lawful admission. But, the law necessarily limits annual admission numbers for most categories and massive backlogs have developed. By allowing far more people to qualify to apply for admission than can possibly be admitted within a reasonable time under the law's yearly limits, the present law guarantees backlogs. It can take 20 years or longer for an immigrant's admission turn to come up. This then encourages thousands of aliens to come here illegally. Some come illegally because they know that under current law they either have no reasonable chance for admission or they will have to wait many years for admission given the backlogs.

ILLEGALS CAN LEGALIZE WITHOUT PENALTY

It is important to note that our current law does not disqualify those who come illegally from later begin granted legal admission. Therefore, illegals often feel they have nothing to lose

and everything to gain by jumping ahead of the line. In short, our legal immigration process has the perverse effect of encouraging illegal immigration. Even though we granted amnesty to legalize over 3 million illegal aliens in 1986, today well over 4 million—and quite possibly over 5 million—illegal aliens now reside in the United States Hundreds of thousands of the new illegal immigrants later will be getting a legal visa when their number eventually comes up through the extended family preference system. Many of these illegals—ho I remind you have broken the law, and who everyone in Congress seems to be so concerned about—thus will become legal immigrants. Magically, it would seem the bad guys become the good guys and all problems go away. Mr. President, how can this be? How can anyone honestly say the legal and illegal issues are not very intertwined and linked together?

ILLEGAL INCREASES LEGAL

In another paradoxical result of our current flawed system, illegal immigration also tends to increase legal immigration. How? Well, look at the situation under the 1986 amendments. The 3 million illegals who received amnesty were allowed to become legal, thereby increasing the number of legal immigrants. And, after becoming legal residents and citizens, what have these former illegals done? After being transformed into good guys by legalization, they have played by the rules, as flawed as the rules are, and petitioned to bring in huge numbers of additional legal immigrants who are the relatives of these legalized illegal aliens. This greatly increases the backlogs. The Jordan Commission found that about 80 percent of the backlogged immediate family relatives are eligible because of their relationship with a former illegal alien. And, as the backlogs grow, Congress is asked to raise admission levels by special backlog reduction programs, which will then increase the number of legal aliens.

Thus, we have an integral process here where the legal system works so as to guarantee backlogs which in turn lead to special additional admission programs and to more illegals who, after a while, may be legalized and then become eligible to bring in more relatives legally. Many of the new legal applicants in each cycle are then thrown into the backlogs so the process can repeat itself. Many of the applicant's relatives also will come here illegally to live, work and go to school while waiting to legalize.

LEGAL HAS SIMILAR IMPACTS

Legal immigration is also linked to illegal immigration because it has many of the same impacts. Both legal and illegal immigration involve large numbers of additional people, with legal in fact accounting for nearly three times more new U.S. residents every year than illegal immigration. Many of my colleagues have expressed grave concerns about illegal immigrants taking jobs from Americans, or these immigrants committing crimes, or costing taxpayers and State and local governments millions for public education and welfare and other public assistance. Well, as I will point out later in detail, it is time to recognize that legal immigrants often cause these same types of adverse impacts. Congress must stop overlooking or disregarding this patently obvious fact. Let there be no mistake we will not solve most of our national immigration problem by just dealing with illegal immigration. Legal immigration is in many ways an even greater part of the problem.

FLORIDA EXAMPLE

Often, the adverse impacts of legal immigration actually will be much greater than illegal because so many more people are involved. For example, consider the situation in the State of Florida. As my colleagues know all too well, especially those who are concerned with unfunded Federal mandates, the Governors of high immigration States like Florida have been coming to Congress for the last several years demanding billions of dollars in reimbursements for their States' immigration-related costs. Governor Lawton Chiles, a former distinguished Member of this body, presented testimony in 1994 to the Senate Appropriations Committee asking for such reimbursement. Governor Chiles' detailed cost analysis showed that in 1993 Florida's State and local governments had net—not gross—immigration costs of $2.5 billion. About two-thirds of this cost—$1.6 billion—came from legal immigration. That's right, listen up everyone, legal immigrants were responsible for two-thirds of Florida's immigration costs. Florida's public education costs alone from legal immigrants came to about $517 million that year. So, my colleagues, we must face the facts that many concerns being raised apply with equal or greater force to legal immigration and that legal and illegal immigration are interrelated.

NEITHER IMMIGRANT BASHING NOR GLORIFICATION

While I do not condone unjustified immigrant bashing, neither do I subscribe to much of the one-sided emotional immigrant glorification and mythology that so often permeates the legal immigration debate. Supporters of high immigration levels often appear to be saying that legal immigrants are much smarter than citizens and that almost all are harder working, more law abiding and have stronger family values than native-born Americans. They imply that we do not support family values if we do not support allowing every immigrant who comes here to later bring his or her entire extended family of perhaps 50 or more relatives. Immigrationists also tend to see only positive benefits from legal immigration and to disregard or downplay any negatives.

BOTH POSITIVE AND NEGATIVE IMPACTS MUST BE WEIGHED

Well, Mr. President, this Senator believes that Congress has the responsibility to weigh both the positive and negative aspects of immigration and to factor in our national needs and citizens' interests when setting legal admissions levels and procedures. Yes, we should consider the positive contributions made by immigrants, and the fact that legal immigrants pay taxes to help defray some of our immigrant-related costs. However, we also need to consider the impacts on American families when one or both parents loses job opportunities to legal immigrants, or when a parent's wages are depressed by cheap immigrant labor. We need to consider the impacts on American schoolchildren of having hundreds of millions of dollars diverted from other educational needs to pay for special English-language instruction or scholarships for children from recent immigrant families. We need to consider the impacts on America's senior citizens and our needy native-born people who are unable to obtain nearly the level of public assistance they require because billions are going to pay for benefits for millions of legal immigrants. We need to consider the impact of legal immigration-related unfunded mandates on State and local governments and taxpayers, especially in high immigration areas like Florida and California. And, we need to remember that many immigrants who do pay taxes are paying relatively little because they are making very low wages, and thus do not necessarily pay taxes at a level that will cover nearly all of their costs.

LEGAL IMMIGRATION SHOULD CONTINUE

The central question that Congress must decide is not whether we should continue legal immigration. Of course we should. The problem is not that legal immigrants or legal immigration are bad per se. They are not. We are a Nation of immigrants, and immigrants have made great contributions to our country. Immigration is an integral part of our heritage, and it should continue. However, while immigrants bring us many benefits, but they also bring certain added costs and other adverse impacts. Furthermore, we do not have unlimited capacity to accept new immigrants.

WHAT LEVEL AND WHAT CRITERIA

The ultimate question that Congress must face here is what level of legal immigration is most consistent with our resources and needs, and what criteria should be used to pick those who are admitted. After studying this question, I am convinced that our current legal immigration law is fundamentally flawed. The heart of the problem is twofold: First, the present law has for years allowed the admission of excessive numbers of legal immigrants; and second, the selection criteria are discriminatory and skewed so as to disregard what's in our country's overall best interests.

DRAMATIC LEGAL INCREASES

The current immigration system, based on the 1965 Immigration Act, has allowed legal immigration levels to

skyrocket. Legal immigration has grown dramatically in recent decades after the 1965 Immigration Act. We have been averaging 970,000 legal immigrants—that's nearly 1 million people legally every year—during the last decade! When you add in the 300,000 plus illegal immigrants who move here every year, this means we are taking well over a million immigrants a year.

We now have over 23 million foreign-born individuals residing in the United States, both legally and illegally. This translates to 1 in 11 U.S. residents being foreign-born, the largest percentage since the Depression. Immigrants cause 50 percent of our Nation's population growth today and will be responsible for 60 percent of the U.S. population increase that is expected in the next 55 years if our immigration laws are not reformed.

Before commenting further on our high levels of immigration, let me briefly explain why the 1965 act is discriminatory. Most immigration under the act occurs through the family preference system. In the early years after the act was passed, a few countries were then the primary immigrant sending countries. After a few years, immigrants from those nations were able to petition for admission of more and more relatives. These relatives from those countries came and in turn sponsored other relatives from those countries, further expanding the immigrant flow from these sending countries. As a practical matter, few immigrants can now be admitted other than on the basis of a family relationship so new immigrants tend to come from the same countries where their earlier family members came from.

This means that there is a de facto discrimination both against admitting immigrants from other countries and against immigrants from even the favored nations unless they happen to be a relative of other recent U.S. immigrants. Would-be non-relative immigrants can be much better educated and higher skilled, but unless they qualify under the much more limited employment categories, they need not apply because under the 1965 act's nepotistic system the admission quotas go to relatives.

Well, Mr. President, I strongly believe that it's long past time for Congress to recognize the 1965 act's flaws and to readjust the statutory process so that we have far lower legal admission levels and fairer admission criteria that are more closely keyed to our national needs and interests. Some of my colleagues and I will probably disagree at least on the numbers of immigrants to be allowed, but I would hope that most will at least agree that an issue of such overriding and strategic importance to the future of our country merits their careful and detailed consideration. Our Nation should not be changed so fundamentally without Congress debating the issue and making a conscious, informed decision on how immigration should be allowed so as to best promote and protect our national interests.

NOT LIKE TRADITIONAL IMMIGRATION LEVELS

Historically, except for a brief 15-year period around 1900, our legal immigration levels have been much lower than what we have experienced after the 1965 act and its subsequent amendments. Many of my colleagues may be surprised by this fact because immigration mythology may have led them to believe that high levels of immigration like we have experienced in recent years are typical or traditional throughout American history. Well, quite the opposite is true.

During the 50-year period from 1915 through 1964, for example, legal immigration levels averaged only about 220,000 annually. From 1820 when our formal immigration records were begun until 1965, it averaged only about 300,000, including the unusually high years around 1900. From 1946 to 1955, it averaged about 195,000 annually; then from 1956 to 1965, it was averaging roughly 288,000 yearly. With the passage of the 1965 Act, the numbers began to skyrocket: from 1966 to 1975, the yearly average became 381,000; then from 1976 to 1985 it hit 542,000; and for the last decade from 1986 through 1995, legal immigration on average hit about 970,000 yearly.

The post-1965 act constant high legal immigrant influx is radically different than our historical pattern. Another important aspect of our legal immigration problem is that there have been no immigration timeouts or break periods for the last 30 years to give immigrants time to assimilate and be Americanized.

Even with the ending of legalizations under the 1986 amnesty law, the legal numbers are still very high. And, this huge wave of immigrants has helped fuel the application backlogs which now run around 3.6 million. Some apologists for high immigration numbers say that since legal immigration has averaged somewhat lower for the last couple of years, we are on a significant new downward trend. Well, we are not. Recent INS projections call for a large increase in legal immigration in fiscal year 1996, thanks largely to the current law's provisions allowing immigration by extended relatives of recent immigrants and the effects of family chain migration.

TIMES HAVE CHANGED

Mr. President, not only are such extremely high immigration levels not traditional, but it is important to realize that today times and circumstances have changed dramatically so that it is far less appropriate to have either such high immigration or the limited skills most current immigrants now bring us.

THEN

In the good old days of yesteryear, we had a much smaller U.S. population and many more people were needed for settling the frontier and working in our factories. In earlier times, our economy also needed mostly low-skilled workers. We still had plenty of cheap land and resources. Quite significantly, we had no extensive taxpayer-funded government safety net of public benefit programs for unsuccessful immigrants to fall back on. Not surprisingly, 30 to 40 percent of our immigrants returned to their homelands. Furthermore, our domestic population's cultural and ethnic heritages were more similar to those of new immigrants. More Americans then had large families because the high domestic birthrate was similar to that of new immigrant families. And, the melting pot concept was generally accepted and fostered assimilation. In addition, there were periodic lulls in immigrant admission levels so as to allow for assimilation.

NOW

Today, circumstances are quite different. Land and resource availability are much more limited and expensive. The United States now is a mature nation with a host of serious domestic difficulties, economic problems, chronic unemployment, crime, millions of needy, and so forth. Our population has grown many times over. In fact, the United States now doesn't need more people—we have no frontier to settle, and we have plenty of workers. And, our economy has been undergoing fundamental structural changes. We have been restructuring toward a high-technology economy that needs higher skilled, more educated workers to compete in the new global marketplace instead of unskilled or low-skilled immigrant labor. We now have a costly taxpayer-funded safety net of government assistance that immigrants can rely on such as welfare, AFDC, SSI, health care, and other benefit programs. Not surprisingly, now only 10 to 20 percent return to their home country. And, multi-culturalism is favored over the "melting pot" concept by many immigrant groups, making assimilation often much more difficult and slower. Instead of following our traditional course of enhancing our strengths by melding a common American culture out of immigrants' diversity, multiculturalists now push to retain newcomers' different cultures.

Mr. President, yes, times and circumstances have changed. How many Senators would be willing to vote today to start voluntarily admitting three-quarters of a million, or more, new people—most of whom are poor, unskilled or low-skilled and don't speak English—every year? I dare say that most of those who did so would face serious reelection problems when outraged voters learned of their actions. Perhaps, this is why the Judiciary Committee's legal immigration bill uses admission assumptions that are much lower than recent INS projections. Perhaps, some people hope to escape voters' wrath by claiming that they did not know what's happening and what's obviously going to happen if we don't make big cuts and other reforms. Whatever their reasoning, what

we are experiencing is legislative business as usual, catering to the high immigration and cheap labor lobbies when it comes to legal immigration.

TIME TO FACE LEGAL IMMIGRATION REALITIES

Well, my colleagues, we are paying a high price now for years of excessive Federal spending and for using smoke and mirrors accounting to understate our budgetary problems. We are facing an analogous problem here for having allowed both legal and illegal immigration levels to be excessive for years, and for failing to acknowledge difficulties caused by high legal immigration.

We simply must begin facing up to the real numbers and the problems associated with admitting far too many new people through legal immigration. About three-fourths of our immigration comes from legal immigrants. That's three times our level of illegal immigration. Why are we trying to close the backdoor of illegal immigration and lamenting about all the impacts illegals are causing, but at the same time disregarding the fact that the front door is open wider than ever? Congress must stop giving little or no thought to the obvious interconnection between legal and illegal immigration and their similar adverse impacts. In the last Presidential campaign, there was a popular saying ''It's the economy stupid!'' Well, with respect to the heart of our immigration problems it can be said ''It's the numbers stupid!''—we get three times more numbers from legal immigration than illegal.

LEGAL IMMIGRATION'S COSTS

Our current legal admissions policy fails to take into account whether such a massive influx of newcomers is needed, or the burdens placed on taxpayers for the immigrants' added costs for public education, health care, welfare, criminal justice, infrastructure and various other services and forms of public assistance. Let me highlight some of these costs:

Education—For example, excessive numbers of legal immigrants are putting a crippling strain on America's education system. About one-third of our immigrants are public school aged. Immigrant children and the children of recent immigrants are greatly increasing school enrollments and adding significantly to school costs in many areas.

Schools in many high immigration communities are twice as crowded as those in low immigration cities.

In 1995, the Miami public school system was getting new foreign students at a rate of 120 per day, and as I noted earlier, Florida's costs in 1993 for legal immigrant education came to over half a billion dollars.

Hundreds of thousands of children from immigrant families speak little or no English. This causes a tremendous increase in education costs and diverts limited dollars that are needed elsewhere in our school systems. English as a Second Language programs are very expensive. Non-English speaking immigrant children cost taxpayers 50 percent more in education costs per child.

Welfare—Legal immigrants, who make up the largest part of our foreign-born population, also are costing billions for various forms of public assistance:

According to the GAO, about 30 percent of all U.S. immigrants are living in poverty. The GAO has found that legal immigrants received most of the $1.2 billion in AFDC benefits that went to immigrants.

Immigrants now take 45 percent of all the SSI funds spent on the elderly according to the GAO. In 1983, only 3.3 percent of legal resident aliens received SSI, but in 1993 this figure jumped to 11.5 percent; 128,000 in 1983 vs. 738,000 by 1994. This is a 580 percent increase in just 12 years.

The House Ways and Means Committee indicates that in 1996, around 990,000 resident aliens—who are noncitizens—are receiving SSI and Medicaid benefits, costing $5.1 billion for SSI and another $9.3 billion for Medicaid, for a total of $14.4 billion. The committee projects that this cost for legal immigrants will jump to over $67 billion a year by 2004.

As our colleague from California, Senator FEINSTEIN, has pointed out, only about 40 percent of our immigrants are covered by health insurance, and therefore immigrants have to rely heavily on taxpayer funded public health services.

Recent analysis by Prof. George Borjas of Harvard University of new Census Bureau data also has confirmed immigrants are using more public benefits. Borjas points out that immigrant households were less likely than native-born Americans to receive welfare in 1970. However, his analysis shows that today immigrant households are almost 50 percent more likely to receive cash and non-cash public assistance—they are about 50 percent more likely to receive AFDC; 75 percent more likely to receive SSI; 64 percent more likely to receive Medicaid; 42 percent more likely to receive food stamps; and 27 percent more likely to receive public housing assistance.

Borjas also notes that 22 percent of the California's households are immigrants, but they get 40 percent of the public benefits; that 9 percent of Texas' households are immigrants, but they get 22 percent of the public assistance; and that 16 percent of New York's households are immigrants, but they get 22 percent of the public assistance benefits.

Jobs—At a time when we have millions of unemployed and underemployed American citizens—and millions more who will be needing jobs as they are weaned off welfare—our Federal immigration law continues to allow in a flood of foreigners to depress wages and take jobs that our own citizens need. While corporate cheap labor interests profit, it is American workers who suffer, especially those who are competing for lower skilled jobs. Most new legal immigrants are unskilled or low-skilled, and they clearly take many jobs native citizens otherwise would get.

Dr. Frank Morris, a noted African-American professor, pointed out in House testimony last year that immigration is having disproportionate adverse impacts on American blacks as follows:

> There can be no doubt that our current practice of permitting more than a million legal and illegal immigrants a year into the US into our already difficult low skill labor markets clearly leads to both wage depression and the de facto displacement of African American workers with low skills. . .. The American labor market is not exempt from the laws of supply and demand. If the supply of labor, especially unskilled labor, increases in markets where significant numbers of African Americans reside for any reason, you have either a wage depression or labor substitution effect upon African Americans, who because we have less education, work experience and small business creation rates than other Americans, are disproportionately negatively impacted in those markets. . .. America is the only country in the world that has mass immigration at a time of slow growth, and industrial restructuring of the economy. African Americans are disproportionately hurt by this process because almost half of all immigrants head for cities that also have a large number of African American residents searching and fighting for better low rent housing, better low skill requirement but high paying jobs, and better public school education for their offspring.

Secretary of Labor Reich in testimony regarding needed immigration reforms on September 28, 1995 before the Senate's Subcommittee on Immigration commented on the ''fundamental question of what purpose our employment- or skill-based immigration policy is meant to serve'' as follows:

> This nation of immigrants always has and always will welcome new members into the American family, though at a different pace and in different ways to suit the times. . .. Employment-based immigration to fill skill shortages, as well as the temporary admission of selected skilled foreign workers, is sometimes unavoidable. But I firmly believe that hiring foreign over domestic workers should be the rare exception, not the rule. And I believe such exceptions should be even rarer, and more tightly targeted on gaps in the domestic labor market than is generally the case under current policy. . .. If employers must turn to foreign labor, this is a symptom signaling defects in America's skill-building system. Our system for giving employers access to global markets should be structured to remedy such defects, not acquiesce in them. And it should progressively diminish, not merely perpetuate, firms' dependence on the skills of foreign workers.

Crime—Immigrants also put a strain on our criminal justice system—over 25 percent of the Federal prison inmates are foreign-born. This is clearly very disproportionate to immigrants' percentage of our general population, which is about 9 percent. Large numbers of these criminal aliens were admitted legally. It cost taxpayers hundreds of millions of dollars just to incarcerate them.

After an extensive study, the Senate Permanent Subcommittee on Investigations reported in April 1995 that:

Aliens now account for over 25 percent of Federal prison inmates and represent the fastest growing segment of Federal prison population. A conservative estimate is that there are 450,000 aliens who have been convicted of a crime and who are in prison, in jail, on probation or on parole in the United States. Criminal aliens not only occupy beds in our prisons and jails, they also occupy the time and resources of law enforcement and our courts.

Mr. President, I say that we must recognize such negative impacts from excessive levels of legal immigration, and that we have a moral obligation to take care of American citizens first. We certainly cannot do so without making drastic cuts in legal immigration numbers. We also must change the criteria to give much more emphasis to immigrants' skills and our changing labor needs.

RESPONSIBLE, REASONABLE LEGAL IMMIGRATION REFORMS

Many opponents of reforming legal immigration who are fighting desperately to continue the status quo say that only radical or even reactionary people favor major changes in this area. Their contentions are erroneous. Bringing our legal immigration system back under control and making it more in accord with our national interests is far from radical.

Let me remind my colleagues again that the bipartisan U.S. Immigration Reform Commission, under the leadership of the late former Congresswoman Barbara Jordan, has recommended fundamental reforms in the current legal immigration system. The Commission's recommendations included substantial reductions in legal admission levels and abolishing a number of admission categories including brothers and sisters of citizens and adult children of permanent residents. Surely, proposing such fundamental changes because they concluded this would be in our national interest does not mean that distinguished Americans like Barbara Jordan are radical or reactionary.

Moreover, the overwhelming majority of the American people certainly are not radical or reactionary, and they clearly want Congress to dramatically reduce legal immigration numbers. And dramatic is perhaps the best way of describing the results of a recently released national Roper Poll on immigration. This Roper Poll found over 83 percent of Americans favor lower immigration levels. Seventy percent favor keeping overall immigration below 300,000 per year, and this view is supported generally across racial, ethnic, and other lines—52 percent of Hispanics, 73 percent of blacks, 72 percent of Democrats and 70 percent of Republicans. A majority of the public—54 percent—want immigration cut below 100,000 per year; and 20 percent favor having no immigration at all. Even reform opponents were surprised to learn that only 2 percent favor keeping the current levels. It should be noted that the questions used in this poll specifically advised respondents that current levels of legal and illegal immigration totaled over 1,000,000 new immigrants per year. The people's answers stated the immigration levels they favored for all immigration, including both legal and illegal. While this new Roper Poll is consistent with many earlier polls, it shows even stronger public sentiment on these issues. Thus, it is clear that the public wants dramatically lower legal immigration.

Mr. President, we must listen to the American people on this vital issue. If we care what our constituents think, if we truly want to represent their views, and if we care about doing what's best for our country, we will cut legal immigration substantially and we will make other fundamental changes in the system to end chain migration by extended family members and to give much greater weight to immigrants' education and skills and our employment needs. Therefore, I urge my colleagues to support this amendment to begin to make the responsible, reasonable reforms needed in our legal immigration policies.

Mr. President, I ask unanimous consent that several articles showing the need for immigration reform be printed in the RECORD.

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

[From the San Diego Union Tribune, Apr. 24]

BORDER SURPRISE

WASHINGTON.—Despite contentions by President Clinton's administration that legal immigration is tapering off under existing law, the flow is expected to soar by 41 percent this year over 1995 and remain substantially above last year's level for the foreseeable future.

This forecast comes from unreleased data compiled by the Immigration and Naturalization Service (INS).

The projections, obtained by Capley News News Service, triggered an outcry yesterday from advocates of tougher restrictions on legal immigration. They responded to the disclosures by charging that the INS had intentionally misled Congress and the public during this year's stormy debate over whether to cut legal immigration.

The projections show immigration rising from 593,000 last year to 835,000 this year and 853,000 in 1997. The overall numbers actually will be about 100,000 higher because the projections do not include refugees and several other groups of people admitted legally.

For that reason, the overall number for next year is expected to be closer to 1 million than to 853,000.

At a key moment in the congressional debate the INS held a press conference during which it stressed the downward trend in the immigration levels during the past two years. The officials failed to disclose the agency's forecast showing the huge surge beginning this year.

If the law remains substantially unchanged as appears likely at this point, the average annual level of legal immigration over the next eight years would be about 29 percent higher than in 1995.

They clearly misled the American people and Congress, knowing they were telling part of the truth but not the whole truth,'' said Rep. Lamar Smith R-Texas, chairman of the House Immigration subcommittee.

''It's inexcusable, and what it really says is, 'How can we believe what they say again when it comes to immigration figures?' ''

Smith led a failed 16-month drive in the House to cut legal immigration. It was defeated earlier this month.

A White House spokeswoman said she could not comment on internal INS projections she had not seen. But she said the notion that legal immigration would rise sharply was inconsistent with what INS officials had told her.

A senior INS official denied any effort on the part of the agency to mislead Congress, saying agency officials had testified on Capitol Hill that they expected immigration levels to rise—not fall—under current law.

Robert Bach, executive associate commissioner for policy and planning of the INS, briefed reporters hours before a pivotal March 28 Senate vote and stressed the declines in immigration during fiscal years 1994 and 1995. The report he released that day also was circulated widely on Capitol Hill.

Yesterday, Bach said there had been no effort to mislead reporters.

He said that ''we reported on what was'' in the two previous years.

''We didn't spin the future,'' Bach said.

He said that ''it was a straightforward report'' on what happened in 1994 and 1995.

But Smith disagreed.

''They (INS officials) justified their position in supporting an amendment to take out legal immigration reform by saying the numbers were coming down anyway,'' he said. ''And they knew the numbers would be jumping up as they were speaking.''

Restrictionsists including Smith argue that current levels of legal immigration have placed economic burdens on states such as California, Texas, Florida, New York and New Jersey where most immigrants reside. They also say immigrants increase the competition that low-skill domestic workers face for low-wage jobs.

Immigration advocates argue that the burdens of legal immigration are exaggerated and that, overall, it is good for America. Some of them attribute restrictionist sentiment to racism and xenophobia.

Clinton had endorsed a controversial 1995 recommendation by the U.S. Commission on Immigration Reform to significantly cut legal immigration. But his administration has quietly lobbied against the congressional initiatives, saying they go too far. And it provided a crucial and possibly fatal blow to reform efforts in the House by coming out in support of the amendment that killed legal immigration reform there earlier this month.

An effort by Sen. Alan K. Simpson, R-Wyo., chairman of the Senate immigration subcommittee, also was defeated. Instead, the Judiciary Committee approved an amendment by Sens. Spencer Abraham, R-Mich., and Edward M. Kennedy, D-Mass.

Their proposal is the only legal immigration legislative initiative that remains alive in Congress. No date has been set for it to be debated on the Senate floor.

The INS predicts that immigration under the Abraham-Kennedy provision would decline by 4,000 from current law, or less than .5 percent. That means the 29 percent higher levels forecast for the next eight years would occur even under the Abraham-Kennedy plan. Sen. Dianne Feinstein, D-Calif., voted for the amendment after being assured by its authors that it would entail significant cuts.

Feinstein has said California needs cuts in legal immigration. But she was unavailable Monday or yesterday to comment on the INS projections.

Those projections show that legal immigration even under the scuttled Simpson provisions—the most restrictive of the proposals—would have been 7.5 percent higher over the next eight years than last year's level.

The immigration surge is attributed to the rougly 3 million people legalized under the

1986 overhaul of the nation's immigration laws. Many have become citizens and are petitioning for the immediate and unlimited admission of their spouses, minor children and parents.

''It's very clear that INS is trying to play down these (rising immigration) numbers as much as possible,'' said Rosemary Jenks of the Center for Immigration Studies. ''It's just amazing what information the INS decides to leave in or leave out or present or not present. And there's no reason for it other than to affect the current congressional immigration debate.''

Immigration advocacy groups, which were allies with the INS in the effort to defeat the legislative reforms, said they had been waryed how the INS used its figures.

''We never made a big deal about the declines (in 1994 and 1995); the INS did,'' said Frank Sharry, head of the National Immigration Forum, which has played a key role in the campaign to block substantial cuts in legal immigration. ''We always knew the numbers would spike up.''

But Sharry insisted that the INS projections overstated both the extent and the duration of the surge. He called the INS projections ''laughable.''

''This will be a one-time blip that will occur over the next few years,'' he said. ''We're quibbling over rather small differences based on questionable projections that are being (politically) spun by restrictionists to bring about a major reduction in immigration levels.''

[From the New York Times, Mar. 19, 1996]

TOO MANY ENGINEERS, TOO FEW JOBS

(By Michael S. Teitelbaum)

Is there such an acute shortage of skilled scientists and engineers that America's computer industry and research laboratories must recruit thousands of foreign workers yearly in order to compete globally?

That's what Sun Microsystems, Intel, Microsoft, the National Association of Manufacturers and the American Immigration Lawyers Association would have you believe. They successfully lobbied Congress to drop immigration reform proposals that would have held down increases in the number of highly skilled foreign workers. Statistics, however, contradict them. There is no shortage of scientists, engineers or software professionals. If anything, there is a surplus.

Claims of an impending dearth of scientists and engineers began a decade ago, when Erich Bloch, then the director of the National Science Foundation, declared that unless action was taken, there would be a cumulative shortfall of 675,000 over the next two decades.

Congress responded. The National Science Foundation received tens of millions of additional dollars for science and engineering education. And in 1990, Congress nearly tripled the number—to 140,000 per year—of employment-based visas for immigrants with certain skills.

Not surprisingly, the number of science and engineering doctorates reached record levels. From 1983 to 1993, the annual number of Americans earning such Ph.D.'s increased 13 percent. But the number of slots for graduate students grew even more dramatically during that time—about 40 percent. The excess spaces were filled by foreign students, who often stayed in America to compete in the job market. Meanwhile, the United States sharply increased the number of foreign-born scientists and engineers it let in; 39,000 were admitted in 1985, 82,000 in 1993.

The labor shortage never materialized. But global competition rose and the cold war ended. High-tech corporations and defense contractors were forced to downsize; state budget crises forced large universities to sharply reduce their hiring of new faculty.

Unemployment among scientists and engineers remains much lower than for low-skilled workers, as it does for all highly educated workers. Nonetheless, tens of thousands of highly skilled professionals have been laid off. For instance, from 1991 through 1994, I.B.M. laid off 86,000 workers; AT&T, Boeing and Hughes Aircraft laid off a total of 135,000 workers.

It is an employer's market; stagnant or declining salaries have been the trend. For instance, from 1968 through 1995, the median annual salary, including benefits, for an engineer with 10 years of experience declined 13 percent in constant dollars, to $52,900. Meanwhile, salaries in other professions like medicine and law greatly increased.

Job prospects for recently minted scientists and engineers have plummeted. A 1995 study by Stanford University's Institute for Higher Education Research concluded that ''too many doctorates are being produced in engineering, math and some sciences,'' not including biological and computer sciences. It said: ''Overproduction, estimated to average at least 25 percent, contradicts predictions of long-term shortages, given current demand.''

Engineers and software professionals who have lost their jobs could be easily retrained to the big high-tech companies. However, there is no incentive to do so, as long as they can easily hire from U.S.-educated foreign nationals.

As one software professional let go by a computer company reported, he and his colleagues are ''disposable'' rather than ''recyclable.''

In short, the situation is out of balance. A record number of Ph.D.'s, but a weak job market. Claims of a labor shortage, but stagnant or declining wages. Thousands of laid-off professionals, but increased foreign recruitment. Shortage or surplus? Ask any downsized engineer or computer professional for the answer.

[From the National Review, Mar. 11, 1996]

THE WELFARE MAGNET

(By George Borjas)

The evidence has become overwhelming: immigrant participation in welfare programs is on the rise. In 1970, immigrant households were slightly less likely than native households to receive cash benefits like AFDC (Aid to Families with Dependent Children) or SSI (Supplementary Security Income). By 1990, immigrant households were more likely to receive such cash benefits (9.1 per cent v. 7.4 per cent). Pro-immigration lobbyists are increasingly falling back on the excuse that this immigrant-native ''welfare gap'' is attributable solely to refugees and/or elderly immigrants; or that the gap is not numerically large. (Proportionately, it's ''only'' 23 per cent).

But the Census does not provide any information about the use of noncash transfers. These are programs like Food Stamps, Medicaid, housing subsidies, and the myriad of other subsidies that make up the modern welfare state. And noncash transfers comprise over three quarters of the cost of all means-tested entitlement programs. In 1991, the value of these noncash transfers totaled about $140 billion.

Recently available data help provide a more complete picture. The Survey of Income and Program Participation (SIPP) samples randomly selected households about their involvement in virtually all means-tested programs. From this, the proportion of immigrant households that receive benefits from any particular program can be calculated.

The results are striking. The ''welfare gap'' between immigrants and natives is much larger when noncash transfers are included [see table]. Taking all types of welfare together, immigrant participation is 20.7 per cent. For native born households, it's only 14.1 per cent—a gap of 6.6 percentage points (proportionately, 47 per cent).

And the SIPP data also indicate that immigrants spend a relatively large fraction of their time participating in some means-tested program. In other words, the ''welfare gap'' does not occur because many immigrant households receive assistance for a short time, but because a significant proportion—more than the native-born—receive assistance for the long haul.

Finally, the SIPP data show that the types of welfare benefits received by particular immigrant groups influence the type of welfare benefits received by later immigrants from the same group. Implication: there appear to be networks operating within ethnic communities which transmit information about the availability of particular types of welfare to new arrivals.

The results are even more striking in detail. Immigrants are more likely to participate in practically every one of the major means-tested programs. In the early 1990s, the typical immigrant family household had a 4.4 per cent probability of receiving AFDC, v. 2.9 per cent of native-born families. [Further details in Table 1].

AVERAGE MONTHLY PROBABILITY OF RECEIVING BENEFITS IN EARLY 1990S

Type of Benefit	Immigrant Households	Native Households
Cash Programs:		
Aid to Families with Dependent Children (AFDC)	4.4	2.9
Supplemental Security Income (SSI)	6.5	3.7
General assistance	0.8	0.6
Noncash programs:		
Medicaid	15.4	9.4
Food stamps	9.2	6.5
Supplemental Food Program for Women, Infants, and Children (WIC)	3.0	2.0
Energy assistance	2.1	2.3
Housing assistance (public housing or low-rent subsidies)	5.6	4.4
School breakfasts and lunches (free or reduced price)	12.5	6.2
Summary:		
Receive cash benefits, Medicaid, food stamps, WIC, energy assistance, or housing assistance	20.7	14.1

Source: George J. Borjas and Lynette, Hilton, ''Immigration and the Welfare State: Immigrant Participation in Means-Tested Entitlement Programs,'' Quarterly Journal of Economics, forthcoming, May 1996.

And that overall ''welfare gap'' becomes even wider if immigrant families are compared to non-Hispanic white native-born households. Immigrants are almost twice as likely to receive some type of assistance—20.7 percent v. 10.5 percent.

The SIPP data also allow us to calculate the dollar value of the benefits disbursed to immigrant households, as compared to the native-born. In the early 1990s, 8 percent of households were foreign-born. These immigrant households accounted for 13.8 percent of the cost of the programs. They cost almost 75 percent more than their representation in the population.

The disproportionate disbursement of benefits to immigrant households is particularly acute in California, a state which has both a lot of immigrants and very generous welfare programs. Immigrants make up only 21 percent of the households in California. But these households consume 39.5 percent of all the benefit dollars distributed in the state. It is not too much of an exaggeration to say that the welfare problem in California is on the verge of becoming an immigrant problem.

The pattern holds for other states. In Texas, where 89 percent of households are

immigrant but which has less generous welfare, immigrants receive 22 percent of benefits distributed. In New York State, 16 percent of the households are immigrants. They receive 22.2 percent of benefits.

The SIPP data track households over a 32-month period This allows us to determine if immigrant welfare participation is temporary—perhaps the result of dislocation and adjustment—or long-term and possibly permanent.

The evidence is disturbing. During the early 1990s, nearly a third (31.3 percent) of immigrant households participated in welfare programs at some point in the tracking period. Only just over a fifth (22.7 percent) of native-born households did so. And 10.3 percent of immigrant households received benefits through the entire period, v. 7.3 percent of native-born households.

Because the Bureau of the Census began to collect the SIPP data in 1984, we can use it to assess if there have been any noticeable changes in immigrant welfare use. It turns out there has been a very rapid rise.

During the mid-1980s, the probability that an immigrant household received some type of assistance was 17.7 percent v. 14.6 percent for natives, a gap of 3.1 percentage points. By the early 1990s, recipient immigrant households had risen to 20.7 percent, v. 14.1 percent for natives. The immigrant-native ''welfare gap,'' therefore, more than doubled in less than a decade.

Thus immigrants are not only more likely to have some exposure to the welfare system; they are also more likely to be ''permanent'' recipients. And the trend is getting worse. Unless eligibility requirements are made much more stringent, much of the welfare use that we see now in the immigrant population may remain with us for some time. This raises troubling questions about the impact of this long-term dependency on the immigrants—and on their U.S.-born children.

There is huge variation in welfare participation among immigrant groups. For example, about 4.3 percent of households originating in Germany, 26.8 percent of households originating in Mexico, and 40.6 per cent of households originating in the former Soviet Union are covered by Medicaid. Similarly, about 17.2 per cent of households originating in Italy, 36 per cent from Mexico and over 50 per cent in the Dominican Republic received some sort of welfare benefit.

A more careful look at these national-origin differentials reveals an interesting pattern: national-origin groups tend to ''major'' in particular types of benefit. For example, Mexican immigrants are 50 per cent more likely to receive energy assistance than Cuban immigrants. But Cubans are more likely to receive housing benefits than Mexicans.

The SIPP data reveal a very strong positive correlation between the probability that new arrivals belonging to a particular immigrant group receive a particular type of benefit, and the probability that earlier arrivals from the same group received that type of assistance. This correlation remains strong even after we control for the household's demographic background, state of residence, and other factors. And the effect is not small. A 10 percentage point increase in the fraction of the existing immigrant stock who receive benefits from a particular program implies about a 10 per cent increase in the probability that a newly arrived immigrant will receive those benefits.

This confirms anecdotal evidence. Writing in the New Democrat—the mouthpiece of the Democratic Leadership Council—Norman Matloff reports that ''a popular Chinese-language book sold in Taiwan, Hong Kong, and Chinese bookstores in the United States includes a 36-page guide to SSI and other welfare benefits'' and that the ''World Journal, the largest Chinese-language newspaper in the United States, runs a 'Dear Abby'-style column on immigration matters, with welfare dominating the discussion.''

And the argument that the immigrant-native ''welfare gap'' is caused by refugees and/or elderly immigrants? We can check its validity by removing from the calculations all immigrant households that either originate in countries from which refugees come or that contain any elderly persons.

Result: 17.3 per cent of this narrowly defined immigrant population receives benefits, v. 13 per cent of native households that do not contain any elderly persons. Welfare gap: 4.3 percentage points (proportionately, 33 per cent). The argument that the immigrant welfare problems is caused by refugees and the elderly is factually incorrect.

Conservatives typically stress the costs of maintaining the welfare state. But we must not delude ourselves into thinking that nothing is gained from the provision of antibiotics to sick children or from giving food to poor families.

At the same time, however, these welfare programs introduce a cost which current calculations of the fiscal costs and benefits of immigration do not acknowledge and which might well dwarf the current fiscal expenditures. That cost can be expressed as follows: To what extent does a generous welfare state reduce the work incentives of current immigrants, and change the nature of the immigrant flow by influencing potential immigrants' decisions to come—and to stay?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to oppose the pending amendment, but at the outset, I want to compliment my colleague, Senator SIMPSON, for the outstanding work that he has done for so many years on this very important subject, and similarly to compliment my colleague, Senator KENNEDY, for his work in the immigration field and for his work in Judiciary in general.

Senator SIMPSON has been intimately involved in immigration work for more than a decade, going back to Simpson-Mazzoli. In my tenure in the Senate, Senator SIMPSON has taken on some of the toughest jobs which we have had in this body. I talk about Senator SIMPSON in particular because he will be leaving us at the end of this year. It will be an enormous loss for the Senate and for the country.

The first extensive contacts I had with Senator SIMPSON were on the Veterans' Committee where we had a disagreement or two. I would frequently cite the experience of my father, Harry Specter, who was a World War I veteran.

When Senator SIMPSON came to talk to me recently about the immigration legislation that he has worked on judiciously, two private visits to talk to me, he noticed a grouping of photographs on the wall and said when he had been in my office occasionally for lunch he had never taken the time to look at the pictures.

So I introduced him to my mother's father, Mordecai Shanin, who came from a small town on the Russian border when my mother was 5 and settled in St. Joe, MO. And I reintroduced Senator SIMPSON to my father, Harry Specter, who was in his uniform, and I recounted that he emigrated from Ukraine, walking across Europe with barely a ruble in his pocket.

At that point, Senator SIMPSON said to me he did not think he and I would agree too much on the pending immigration legislation.

I come to this issue from a somewhat different vantage point. My sense is that America is a big, broad, growing country and that we do have room for immigrants. I grew up in Kansas. I was born in Wichita and grew up in the small town of Russell, with wide open spaces like Wyoming. My sense is that it is not in the national interest to reduce immigration from 675,000 to 607,000. Both categories of immigrants—the family-based and the employment-based—will make a great contribution to our country. This is a country of immigrants. When we had the debate in the committee, Senator ABRAHAM started off with his immigrant background. Senator FEINSTEIN talked about her immigrant background and I talked about mine, and everybody on the committee could talk about it in one way or another because we are a country of immigrants.

I understand the priorities for minor children and spouses, and, of course, these groups have to be the first priority. But I believe that when you talk about siblings and adult children, talk about family values and talk about having room for the families, that the figures are relatively modest.

When we talk about illegal immigration, there is no doubt about the need to control our borders and to control illegal immigration. But when we talk about legal immigration, I think we are talking about something that is very, very different.

When there is a proposal to reduce employment-based visas by some 28.5 percent, from 140,000 a year to 100,000 for a period of 5 years, I must say that this is a fundamental mistake.

In Pennsylvania, I have had many of my constituents come to me and say that there is a real need for these visas; that the immigrants who come here legally are very highly skilled, are Ph.D.'s, are technicians, and they will be instrumental in creating more jobs, not in taking jobs. I have worked on the bill in committee to be sure that people who come in on these visas do not take existing jobs; that there has to be a premium payment and there has to be a care and consideration so they do not displace existing workers, but these highly skilled people will create more jobs.

I was involved in this issue back in 1989 and 1990 on behalf of the U.S. Chamber of Commerce where I think we increased the number by about 40,000. The situation is so acute in my State, Pennsylvania, that I have held meetings in both Pittsburgh and Philadelphia which were very, very well attended. At these meetings various companies having immediate needs for

highly skilled people came in to comment to me about their opposition to the reduction in the number of visas.

There is no doubt that there is concern about displacing U.S. workers, and I think we have to be careful not to do that, to make sure that does not happen by requiring a premium payment for those who come in as legal immigrants.

I wanted to make these few brief comments. It is not an easy matter. When Senator SIMPSON and Senator KENNEDY are the managers and go through this bill and have very protracted hearings and a markup before the Judiciary Committee, it is a very large job.

So, again, I compliment my colleagues on their work and do express my view that this legal immigration is something which will build a stronger America and provide more jobs. The humanitarian aspects have to be considered as we have the families who ought to have an opportunity to come into this country. Currently, the waiting period to enter the country is as long as 10 years for some family members. We ought not to extend that waiting period. I thank the Chair and yield the floor.

Mr. MCCAIN. Mr. President, throughout the years legal immigration has helped to make our Nation great. America has attracted and continues to attract the best and the brightest—each year many highly skilled and exceptionally talented individuals legally migrate to the United States. In addition, many hard-working individuals who have come to this Nation and contributed their skills, ideas, and cultural perspectives. We must remember that we are and always have been a nation of immigrants.

Illegal immigration is an entirely different matter and presents a whole host of problems that need to be addressed. We must pull together our resources to enforce our borders, streamline deportation of illegal aliens and increase penalties on those who traffic in illegal immigration.

In doing all that we should to combat illegal immigration, however, we must be careful not to unfairly punish those who have entered this country legally. By dealing with the very separate issues presented by legal and illegal immigration separately, we can go a long way to ensuring that our desire to stop illegal immigration does not result in penalizing those who have abided by the law to enter the country.

The Senate Judiciary Committee has already considered the very issue of whether legal and illegal immigration legislation should be addressed separately. They voted by a margin of 2 to 1 to keep the two separate. We should stay that course and give well-reasoned consideration to legal immigration apart from the discussion of the serious national problems presented by illegal immigration.

I understand that some of my colleagues wish to reduce the numbers of legal immigrants in order to eliminate the backlog of spouses and minor children waiting to enter this country. But we should address these issues when the matter before us is legal immigration. Otherwise, legal immigrants who have long enriched this Nation, may be unfairly impacted by the negative views which understandably are associated with illegal immigration.

In addition, we cannot give appropriate consideration to employment-related provisions of a bill discussing both legal and illegal immigration. Legal immigration has helped to strengthen America's economic base, providing our Nation's businesses with highly skilled individuals to meet critical needs in special fields and disciplines. American businesses who employ legal immigrants already must comply with a series of rules and regulations which can be very costly. Also, as a recent Cato Institute study makes clear, legal immigration does not increase the rate of native unemployment.

Obviously, illegal immigration poses a different set of employment-related issues such as what appropriate sanctions should be levied against employers who hire illegal immigrants and the best and most efficient way to verify citizenship of potential employees.

Again, I hope that my colleagues will remember that we are a nation of immigrants and that legal immigration has been a source of great strength and diversity. We can best and most fairly address any problems associated with legal immigration by discussing that issue separately from the far greater problems illegal immigration presents. Thus, I urge my colleagues to vote to keep illegal and legal immigration provisions separate.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise in support of the Simpson amendment. Mr. President, what the Senator from Wyoming has recommended to this body is that we try to consider the immigration questions together, both legal and illegal. There have been some very sincere Members who have worked in committee to separate the bills. I understand their interest in considering them separately. But I hope the membership of the Senate will consider the question of joining these together, for several reasons. The first is simply that these questions are integrated. Illegal and legal immigration questions do overlap. It is logical to consider them all in one bill. It makes the most sense.

The second reason, Mr. President, is, frankly, I think we are much more likely to get a bill through and passed if we have them together, as well. That is a judgment on my part. Others may have a different view. But I think there is, one, a need to move ahead with legislation in this area, and, two, that need is much better accomplished if we have those measures together. So it makes sense to have them together, makes it better to legislate, more cohesive. Second, I think it makes it much more likely we will pass a bill.

In ascribing motives to lobbyists who have worked to separate the bills, I want to make it clear that I do not attribute those to the Members who have risen on this floor to speak. I think they are sincere. Mr. President, it is my impression that those Members have made a very enormous, positive contribution to this debate. But it is also my impression that some of the groups that have lobbied for separation of the bills have done it because they did not like provisions of one or either of the particular measures. Many business groups lobbied very hard against having the bills considered together.

Mr. President, I think the reason for their interest in separating the bills no longer exists, frankly. There were provisions in the original bill, as it came to the Senate Judiciary Committee as a full committee markup, that caused concern. There were provisions of it that I thought were quite antibusiness. There were provisions, in my view, that should be stricken from the bill.

But, Mr. President, that original reason, that reason that had caused the interest groups to try to separate the bills no longer exists. Literally, the harmful provisions, at least almost all of them in my view, have been taken out of the bills. The very reason for separating them has been done away with. It came about because we had in the Judiciary Committee what I consider the most positive markup I have ever been involved in in 16 years in the Congress. It was very akin to the kind of markup that occurs in State legislatures all across this country.

The difference? The difference is it was bipartisan. The difference is that people listened to each other. The difference was that the accommodation was reached. I am sure Members will reflect that is not always the case in markups. I came out of that Senate Judiciary Committee markup feeling very positive, not only about our results, because I think the bill was dramatically improved in that process, but about the process itself.

I hope, as Members deliberate this question, they will look for a logical way to legislate, which is to combine these subjects, and they will look for a reason to get both of these bills passed because, Mr. President, there is not a Member who comes to this floor who does not understand and does not share the view that we need to change the laws in this area, that we are not accomplishing the purposes that both parties agree on. So it is a logical way to do it and a way to make sure we get good legislation.

Lastly, Mr. President, I simply add this. It is important that we move on this subject. As we explored this subject in markup, what we found is that there were a great many areas that both liberals and conservatives, Democrats and Republicans agreed on—that

there are errors and loopholes in our current laws, and there are many areas where the common purpose of all people in the United States are not being met. They are not being met because our laws are deficient in that area.

I simply believe this subject is compelling and the need to act is compelling. That need, that purpose that I believe almost all Americans share, can be much better accomplished if we move to join these two measures rather than keep them separate. I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I do thank my friend from Colorado. This Senate will miss him, and certainly I will miss him. He is a very special friend and one for whom I have come to have the highest respect and admiration and affection.

I want to thank Senator SHELBY. Such a fine ally. I admire him so, a very steady, thoughtful, extremely authentic man when he deals with the issues of the day.

I just say to my friend from Colorado that I think my colleague from Michigan was a bit shocked when the Senator said we were talking about joining these issues. My amendment is not about joining the issues. I want to express that. This is a singular amendment based upon the majority recommendations from the Jordan commission. We have seen fit to see that it is an issue that will be discussed, voted on, whichever way it goes, and then move on. I think once we finish this amendment, things will move in a swifter fashion.

But just let me say this to kind of summarize some things that have occurred during the debate. Please understand that I think what my friend, Senator FEINGOLD, was talking about—parents—there is no change in my amendment in the definition of ''immediate family,'' none. Parents, minor children, spouses, no change. That, I think, is unfortunate; and perhaps it may have been misconstrued. But there is no change in the definition of ''immediate family'' in what I am doing.

I say, too, that in the debate I have heard the phrase that these people come here to work. I agree with that totally. There was another reference to the fact that they are a tremendous burden on the United States. I have never shared that view. I have never shared the view that these people who come here are a tremendous burden.

But there are some touching stories here I just have to comment on. You knew that I would not completely allow that to slip away.

We can all tell the most touching stories that we can possibly conjecture. My friend from Ohio tells those stories. My friend from Massachusetts tells those stories. I can tell those stories, for I have a brother who is just about the most wonderful man you can ever imagine. I would like to have him here. But the problem is, nobody will raise the numbers, no one will come to this floor and say, ''I think legal immigration should be 1,000,002.'' I do not know of anybody who is going to come here and do that. Unless you do that, then I have to make a choice, which is not quite as dramatic as Sophie's choice. That would be a poor illustration. But I have to decide whether I want to bring my spouse and minor children or my brother or raise the numbers. That is where we are. So you either deal with the priorities or you lift the numbers. There is not much place to go.

When Senator DEWINE talks about this gutsy guy, this gutsy, hard-working guy—and that I will remember for a long time because I know that story now—that gutsy, hard-working guy cannot come here, ladies and gentlemen, because 78 percent of the visas have been used by family connection. This gutsy, hard-working guy, the people we all think about when we talk about immigration, these people who come and enrich our Nation, as memorialized on the Statue of Liberty by Emma Lazarus, are not going to get here, ladies and gentlemen, because 78 percent of the visas are used by family connection, period. That is where we are. You take more or give more. I have the view, which is consistent, that we ought to give the precious numbers to the closest family member. That is the purpose of my amendment.

Senator KENNEDY talks about the adult child who will have to wait, and it is a poignant story—or the only sister of the Cambodian who will not be able to come for 5 years. I ask my colleagues if you really prefer to admit brothers and sisters or adult children while husbands and wives and minor children are standing in line, who want to join their family here, who can be described as ''little kids,'' ''little mothers, little fathers.'' That is what this is. What kind of a policy is that?

I tell you what kind of a policy it is, it is our present policy. The present policy of the United States is that there is a backlog on spouses and minor children of permanent resident aliens, which is 1.1 million. There is a backlog of brothers and sisters in that fifth preference, of 1.7 million people. No one is going to wait that long, I can assure you. No one is going to wait that long. They will come here. Who would not?

There are two choices: Raise the numbers, or give true priorities. There is no other choice. None. Americans will not put up with the first one, which is to raise the numbers. You can see what they say. They do not want new numbers. The Roper Polls, the Gallup Polls down through the years, ever since I have been in this issue, ask the people of America, do they want to limit illegal immigration. The response is ''Yes,'' 70 to 75 percent. And the second question, do you want to limit legal immigration, and the answer is ''Yes,'' 70 percent consistently throughout my entire time in the U.S. Senate.

You cannot do both. You cannot lower numbers and keep the current naturalization system, so you have to raise the numbers or else go to a true priority. There is nothing about persons, human beings, and all the rest of that. That is one we can all tell. It is about if you really care, if you really, really care about what we are all saying here, then raise the numbers. If you want to do that, we should have that debate—raise the numbers. If you do not raise the numbers, you are going to continue to see a 40-year-old brother of a U.S. citizen taking away the number of a spouse, a little spouse or a minor child, a tiny child—we can all do that. That is why we do not get much done and probably will not get much done here. At least we will have a vote. That is what this is about.

What about my spouse and minor children that I love? Why not both of them? Why cannot my spouse, minor children and my brother come? It is because they will not raise the figures. Raise the figures and then they can all come. Make your choice. I can tell you, in grappling with this issue and all the issues of emotion, fear, guilt, and racism—I keep using it again and again and again—and Emma Lazarus, I know all about Emma Lazarus. I read up on that remarkable woman years ago. Of course, the Statue of Liberty does not say, ''Send us everybody you have, legally or illegally.'' That is not what it says.

The most extraordinary part of it all is that the people who want to do everything with illegal immigrants and do something to ''punish them'' and do something to limit them and do something here, here and there, are the very people who will also not allow us to do anything with a proper verification system that will enable us to get the job done. We will have a debate on that one and see where that goes. That is an amendment of mine on verification.

You cannot do anything in the illegal immigration bill unless you do something with the gimmick documents of the United States. When we try to do that one, here comes wizards like the Cato Institute talking about tattoos and people who have found an enclave there, to reign down and give us no answers, not a single answer about what you do with illegal immigration, if you do not do something with the documents, verification or the gimmick Social Security and the gimmick driver's licenses and all the rest. What a bunch. What a bunch.

I am still waiting for the editorial from one of their wizards over there to pour out for me what happened to the slippery slope here. When I go to the airport and get asked by the baggage clerk for a picture ID, I did not really think about that being the slippery slope, but I guess it must be the slickest slope we can ever imagine if this other stuff is the slippery slope. This is bizarre. Get asked by a baggage clerk for a picture ID will not do something to keep illegal, undocumented people

out of the United States and keep them from working in the United States so the American citizens can have the job and do the work. It is a curious operation, but things I needed to say. That is why this amendment is here. We will just see where it goes. Let her rip.

Somebody can come and look at what the debate was and say, ''How did it ever reach that point? Hundreds of thousands of people playing by the rules will have to wait?'' Under the current system which would be perpetuated by the present committee language, 1.1 million spouses and children of permanent residents, must wait for up to 5 years. While the closest families members are waiting for years, now we admit under our current system 65,000 siblings of citizens and their families every single year.

Finally, Barbara Jordan did know about the figures that have been presented in this debate. The INS statistics, their division of statistics sent one of their experts to the commission to help with their deliberations, to help the commission, and they certainly did know about these figures. The magnitude is alarming, but they knew.

So the important link between legal and illegal immigration, many of those we are often told are waiting patiently in the backlog and some in fact are not waiting patiently in the backlog. In fact, they are not waiting at all. Why should they? They have entered this country legally or illegally. Legally they are residing here. When their place on the backlog is reached they apparently feel a sense of entitlement there because their visa has been approved. They say, ''Gosh, I have been approved to come to the United States of America, but I cannot come for 10 or 15 years because some brother is taking up the slot. Some 30-, 40-year-old brother down the road has taken my slot and I want to be with my spouse and minor children or some closer relative, an unmarried son, a daughter, a married son or daughter.'' But no, because we have this huge line of preferences and we meet them all and we are required to meet them all with a total of 226,000 people. We are required to do that.

They certainly feel they have a technical ability to come here. How many are in that group? Let me tell you how many are in that group—1 million people in that group. Let me tell you who are these people waiting to come in who are currently in the United States who are not playing by the rules. Here are people who are, I hope my colleagues will hear, who are not playing by the rules. We have in the family first preference, the estimated percent of people, waiting list applicants, who are currently in the United States, should not be in the United States, but are in the United States because they have been approved, but they have not been approved for entry. But they are here. Mr. President, 25 percent are in the family first category. Sixty-five percent of spouses and children in the family second category are not playing by the rules. They are here. Where do you think they would be? They have been approved. They are on the list, and they have not been finally adjudged, and they are here, and 65 percent are not playing by the rules. Adult sons and daughters, 25 percent are not playing by the rules. Third preference, 8 percent. Family, 5 percent—all not playing by the rules. I will enter into the RECORD that estimate of the waiting list and family sponsored preferences as of February 1996.

I ask unanimous consent that that be printed.

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

ESTIMATED IV—WAITING LIST IN THE FAMILY-SPONSORED PREFERENCES AS OF FEBRUARY 1996

Category	Estimated February 1996 totals	January 1995 totals	Increase from 1995
Family first	80,000	69,540	+10,460
Family second:			
Spouses/children	1,140,000	1,138,544	+1,456
Adult sons/daughters	550,000	494,064	+55,936
Pref. total	1,690,000	1,632,608	+57,392
Family third	285,000	260,414	+24,586
Family fourth	1,700,000	1,592,424	+107,576
Family total	3,755,000	3,554,986	+200,014

Estimated percent of waiting list applicants who are currently in the United States

Family first	25
Family second:	
Spouses/children	65
Adult sons/daughters	25
Family third	8
Family fourth	5

Mr. SIMPSON. Perhaps the debate is drawing to a close. It has been a good debate. I very much have enjoyed it. I enjoy my colleagues. I have worked with them and am learning to know them. It will be a great influence on the debate in years to come. That is very important. The purpose of this amendment is simply to try to stabilize what is presently totally out of control, unless you raise the numbers.

I thank the Chair.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I thank the Senator from Wyoming. I was not as surprised as he was at the remarks of the Senator from Colorado about this effort to bring legal immigration into the illegal immigration bill. As I said in my earlier comments, and as I think the remarks of the Senator from Colorado also reflect, this is a very substantial joining together of two very, very, in my judgment, different issues that ought to be dealt with independently of each other, as we were able to do so in the Judiciary Committee, and as the House did in their consideration of immigration already this year.

The fact of the matter is that these issues that pertain to the number of legal immigrants who can come into this country are very complicated, significant, and weighty issues. Mr. President, I say to you that anybody who has been watching the discussions today, who has been following this debate, I hope they recognize already what we recognized on the Judiciary Committee, that these are not simple amendments. These are not amendments that should be considered in the flash of the day here. These are, in fact, deserving of being independently considered in a much broader context that looks at the whole range of matters that pertain to legal immigration at the same time.

To take the illegal immigration bill—an outstanding piece of legislation, in most respects already—and suddenly inject into it considerations of legal immigration on the basis of one amendment at the very end of this process is not the way the full Senate should take this up today. In my judgment, Mr. President, anybody watching this debate would recognize that the Senate deserves to have a full and complete consideration of legal immigration, rather than to attach one highly controversial and very complicated element of it on the illegal immigration bill.

That said, Mr. President, let me move on to address some of the substantive components of the Simpson amendment, which is at the desk right now. I think it is important for our colleagues to understand exactly what would happen if this amendment were to pass. First of all, Mr. President, I think the priorities in this amendment are out of line. Under this amendment, the practical effect of priorities that have been set is that virtually no visas will be available for people who fall into categories such as the adult children or the married children of U.S. citizens.

Given the backlog of spouses and children of permanent residents, given the anticipated numbers by the INS, the normal categories of an unlimited immigration of the spouses and children of legal citizens, it is clear that, for the 5-year period the legislation contemplates, there will not be any visas available, in my judgment, for anyone who is the child, married child, or adult child, of a U.S. citizen.

What that means, Mr. President, and what our colleagues have to understand is that if the Simpson amendment were to pass, we would establish the following priority. The children of noncitizens would have a greater priority in terms of gaining access to this country than the children of U.S. citizens. Let me repeat that. The children of noncitizens would be given a higher priority than the children of citizens. In fact, virtually no adult children or married children of citizens would, under this amendment, have a chance to come here during this 5-year period.

Let me reflect further on the point I am making, because it turns out, as Senator SIMPSON indicated, and as we have discussed here already today, that

a substantial portion of those people who are in this category of permanent residents, were themselves amnestied here in 1986 by the legislation that this Congress passed and which was signed into law. Prior to that, they entered the country illegally. They were illegal aliens. And so if we place, as a priority, the children of these permanent residents on the basis that the Simpson amendment does, above the adult children and married children of U.S. citizens, we would not only be placing priority on the children of permanent residents, noncitizens over the children of citizens, we would be placing as a higher priority the children of illegal aliens over the children of U.S. citizens.

Now, several Members have tried to differentiate between adult children of U.S. citizens and minor children, between married children of U.S. citizens and minor children, between married or adult children of U.S. citizens and minor children of noncitizens; but I have a hard time believing that any Member of the U.S. Senate or Congress wants to exclude virtually every adult or married child of U.S. citizens and, instead, propose such a substantial priority on the children of noncitizens, indeed, so many of whom were at one point illegal aliens.

It just seems to me that these are not the priorities we, as a body, ought to follow. In addition to that, as was alluded to also by Senator SIMPSON, there are a huge number of children and siblings of U.S. citizens who are on this backlog list, people who have been waiting for, in some cases, as many as 10 years to come here. The Simpson amendment would virtually wipe out anybody on that list from having access over these 5 years that the amendment would seek to apply.

These people have been waiting already a long time. They have paid the dollars that are involved in securing applications and a variety of other things that are part of this process. Now they will be told that, basically, for at least 5 years, the door is going to be shut. I think that is a huge mistake. These are the people that all of our offices hear from all the time. These are the people whose fathers and mothers contact us and ask us, ''What can be done? How can we get our children here?''

Well, many times we have had to say ''no.'' Now we are going to, with a vote today, say ''no'' for an additional 5 full years, Mr. President. I think that is a terrible delay to continue.

But let me talk, also, Mr. President, about some of the other comments that have been made with respect to exactly who is affected by this legislation. We have heard a lot today about the concept known as chain migration. It is always said in a very kind of threatening way and a worrisome-sounding way—chain migration. That is something we, apparently, do not like. But let us just talk a little bit about these folks who were on the charts we saw earlier today—the sons and daughters of U.S. citizens, who we seek to keep the door open to. Are these really people we want to keep out, Mr. President? Are these really people we want to put at a lower priority? Are these really people who, as some described, are taking from our system? It is exactly those people who Senator DEWINE referenced when he talked about the gutsy guys who have come here. Who are those people who have come here over the years to make a contribution? That is exactly these people.

The notion of chain migration has been dramatically exaggerated here today. As the General Accounting Office study indicates, the average time between a person's arrival and their effort to sponsor somebody is 12 years. The chart, which attempts to depict huge influxes of people coming as a result of one person's immigration—in fact, that covers half a century. That, I believe, is exaggerated at that point as well.

The fact is that, under the law that we are considering, the illegal immigration bill, countless provisions have been placed in that legislation to prevent this—sponsorship agreements that can be enforced, so that before people come over here, there has to be a sponsorship agreement by the person sponsoring, and that agreement can now be enforced under this legislation.

That is not going to encourage immigration; it is going to advertise courage. It is a dramatically exaggerated contention. To the extent it exists, the illegal immigration bill will discourage it. To the extent that anybody is trying to exploit the system, this bill discourages it.

This bill contains sponsorship provisions, deeming provisions, provisions which limit access to the Government services by illegal aliens and by noncitizens that are going to discourage any advantage taken of the system, which will leave instead the kind of country that so many people sought over its history, the kind of nation where people came here to play by the rules and make a contribution, and, indeed, they have.

An earlier speaker talked about immigration places a huge strain on the process. The type of immigration we are talking about, the ability of U.S. citizens to bring their children to this country, which this amendment would dramatically reduce, is not a strain on this system. To the extent any strain might exist, we have already addressed it in this illegal immigration bill by cutting off access to the kinds of services that may have been exploited.

So, although I have several other things that I will bring back to the floor so other speakers get their chance, let me just conclude by restating two fundamental points.

First, the Simpson amendment is an attempt, no matter how it is characterized, to bring very weighty, very complicated legal immigration issues and inject them into the illegal immigration bill. Those issues should be considered separate and very comprehensively in the bill that is before the Senate that is already at the desk on legal immigration. To bring them in now, especially to bring them in piecemeal, is a mistake.

The practical effect of the Simpson amendment, were it to be enacted here today, would be to place a higher priority on access to coming to this country on the children of noncitizens versus the children of citizens. It would place a higher priority on the children of illegal aliens versus the children of citizens. If we are to address, and effectively address, issues of legal immigration, then at least we should address them in a way that puts the priority the way it ought to be. Citizens of this country and their children should have a higher priority than noncitizens and certainly than those who are illegal aliens.

Mr. President, I yield the floor. I will continue my discussion of this amendment after others have spoken.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, let me again strongly associate myself with the comments of the Senator from Michigan. Although it is suggested that somehow this amendment does not violate the distinction between the illegal and the legal immigration issue, I do not know how else you can say it. It is indisputable that this amendment is not only about people who may at one time be illegal immigrants. But they are legal immigrants. It is not about people engaged in any kind of activity that is illegal.

I made this point in my earlier remarks. Senator ABRAHAM and I did offer an amendment that was approved in committee for those situations where someone has come here legally and then overstays their visa. We increased the penalties for that. That is appropriately in an illegal immigration bill. But this amendment has nothing to do with that issue at all. It has to do with which family members and which relationships and in what order people should be able to come to this country in a strictly legal context.

So I am troubled by the attempt here to, on the one hand, suggest that, of course, we should separate these two issues and then come right here at the beginning of this bill and offer an amendment that clearly goes over the line, that clearly goes into legal immigration, and to somehow suggest it is just one little amendment. It is not one little amendment. It is a big deal that is going to affect thousands and thousands of families, of people who are acting completely legally, and they are going to be forced into a bill that is all about the public anger and concern having to do with illegal immigration. I think that paints the issue.

That is why I think an overwhelming majority of people in this body, if they are given a simple opportunity to vote,

whether they wanted to consider illegal and legal immigration separately would vote to separate the issue.

Mr. President, what I am going to suggest, since the amendment came up in this order, is that this is going to be the key vote on whether or not you really think the issues of legal and illegal immigration should be separated. I talked to a number of Senators about this issue. They think it is very clear. There is no question in their minds that the illegal and legal issues should be separate. Make no mistake. This is the amendment that will decide whether that is really their position.

Those who vote for the Simpson amendment cannot possibly argue that they have kept the faith of keeping the legal and illegal issues separate. It is impossible. It is too big of an issue. In fact, I would even argue that it is worse than just straightforwardly saying, ''We are going to merge legal and illegal immigration.'' It is just piecemeal. It takes one very significant aspect of legal immigration, family immigration, and somehow decides it in the context of an illegal immigration bill while leaving other important issues having to do with legal immigration to this side, presumably to be dealt with when we bring up the legal immigration bill.

This is the worst of all worlds because it does not allow people to look at the legal immigration issue in its context. It just separates one thing, puts it in the illegal bill, and in my view it is a disingenuous attempt to have the cake and eat it, too—that you respect the split, but, nonetheless, we are going to resolve the very basic issue at this time.

Whatever the merits of the issue, I think the Senators from Michigan, Ohio, and others have done a wonderful job of explaining the problems with the extreme limitations that this amendment brings forward. Whatever your view on the merits, I hope Senators will realize that this is the vote about whether you want to keep the issues of illegal and legal immigration separate. There may be other related amendments later. There may be a sense of the Senate. But if you go ahead and pass this amendment, you have already broken the line between the two issues, and you cannot put it back together.

Mr. President, I hope all Members realize the importance of this, not just from the point of view of the merits, which are terribly important, but also from the integrity of this whole process, which the vast majority of the House and the vast majority of this body believe it would receive by separating and keeping separate the issues of legal and illegal immigration.

Mr. President, I suggest that it is very, very important that we reject this amendment.

I yield the floor.

Mr. DEWINE. Mr. President, I would like at this point to try to respond to my friend and colleague from Wyoming and to some of the comments that he has made. I think we are engaging in a good debate here. This has gone on for a few hours. It is probably going to go on for a few more hours. But I think these are very, very important issues.

I believe that the Simpson amendment is in fact antifamily, anti-family reunification, and goes against the best traditions of this country.

Let me explain why I say this because this can get very, very confusing, and you have to really spend some time. It has taken me some time to get into it. I certainly do not today pretend to be any kind of expert. But let me explain what I understand the facts to be.

The Simpson amendment would have the effect of pushing aside adult children of U.S. citizens. It would have the effect of pushing aside the minor children of U.S. citizens who happen to be married. It would say to a U.S. citizen—let me again emphasize ''a U.S. citizen''—you cannot bring in your adult child. We are not going to consider that person part of your nuclear family anymore. That is going to be your extended family, those of us who have children over a wide range of ages. Try to tell that to your older children, my son Patrick, or Jill, or John, that they are no longer part of our family; you cannot come in.

It says to a U.S. citizen, if your minor child has made the decision to get married, well, you cannot even bring your minor child in. It says that to the U.S. citizen. It pushes these children aside in favor of—let us be very careful how we state this—the spouses and minor children of illegal aliens, people who were illegal aliens, who came here illegally and who were ultimately granted amnesty in the Simpson-Mazzoli bill.

That is the choice. That is what it is doing. But when you get into it further, what you also find out is that the vast majority of these people, which this amendment purports to help, with children, with spouses, people who were illegal aliens, who came in here then because of the amnesty provision of Simpson-Mazzoli, were legalized, we say that is OK—their children.

The facts are the vast majority of their children and their spouses are already here. They are already in the country. They are not leaving one way or the other, no matter what this bill does. That is the reality. No one can come to this floor and say this is going to impact it one way or the other. So we are pushing aside family members of U.S. citizens purportedly for the reason to help other people, the vast majority of whom are already here anyway. That is antifamily. It is wrong. It is wrong. It is wrong. We should not do it.

How did this all come about? Let us look at the facts. Let me cite the Jordan commission because my colleague from Wyoming very correctly cites the Jordan commission for many things. Let me cite the Jordan commission. It is stated, stated by proponents of the Simpson amendment—it was talked about in our committee—that there are 1.2 million spouses and children of permanent resident aliens who are waiting to come in. That is the people the Simpson amendment purports to help. Let me repeat it—1.2 million spouses and children of permanent resident aliens who are waiting to come in. End of quote. Here is what the Jordan Commission says about this group of people. The Jordan commission said that at least, at least 850,000 of these people, at least 850,000 of them are already here. They are already in the country.

Who are they? Again, they are the children, they are the spouses of people who this Congress in the Simpson-Mazzoli bill in 1986 granted amnesty to.

So I think it is very important that we keep this in mind.

Now, no one can come to this floor and say these people are going to be kicked out. That is not happening. It is not going to happen. In fact, the husbands, the mothers, people who are granted amnesty, once they were granted amnesty, were on the road to citizenship if they wanted it. Now, many of them for any number of reasons that I cannot fathom have decided not to become citizens, but no one is talking about kicking them out. INS is not deporting them, nor is INS deporting their children, nor is INS deporting their spouses. And there is no one who can come to this floor and say anybody is talking about doing that. So I think it is very, very important to emphasize who these people are. And again I would cite the Jordan Commission. Mr. President, the 850,000 of this group of people the Simpson amendment purports to help—it purports to help family members—get help only on paper because they are here already. The fact is that when a legalized person becomes a U.S. citizen after 5 years, the spouses and children are legalized immediately. They can do that. All that person has to do is become a citizen. And even if that person does not elect to become a citizen, no one is going to kick those kids out and no one is going to kick the parents out. So I think, while what is said about the Simpson amendment makes sense and is technically correct, we have to look behind that and look at who these people really are and what the real facts are.

Let me turn, if I could, to another issue but it is related. It is related to Simpson-Mazzoli that passed in 1986, and it is related to the overall rhetoric about the extent, number of legal immigrants who are coming into this country. The statement is made that we are at an all-time high. That is simply not true. It is not even close to being true. It is not accurate.

We are at the rate of approximately, talking about legal immigrants, of 2 per thousand of our population. We have been at roughly this rate for 30 years. We have been at higher, we have been at lower during our history. Just to take one example, though, if you go

back to the turn of the century we were at about 10 per thousand. We are at roughly 2 per thousand now.

What about my colleagues who may say, well, we just heard the argument made that we have new statistics out from INS that show the numbers are up. Yes. What it shows is that we got what we expected. When we decided to grant amnesty in 1986, we knew there was going to be a spike, and we knew there was not only going to be a spike but there was going to be additional spiking as a result of that because of the children that could be legalized, could become U.S. citizens of those people who are granted amnesty.

That was expected. So I think you have to put this again in its historical perspective, and we have to understand that this should be a shock to no one. It was totally expected. It is an increase that we have seen as a direct result of the amnesty that was granted in 1986 and it is basically just as the amnesty was a one-time shot, the results of that amnesty are also a one-time occurrence.

Let me talk, if I could, about another argument that my friend from Wyoming made. He had a very interesting chart. I walked over to take a look at it. It was something that I heard him talk very eloquently about a great deal and that is the chain migration problem.

Just a couple comments. As my friend from Michigan said a moment ago, that chart may be accurate, it may be accurate for a family. I can come up with a hypothetical. It might be accurate—might be. But if it was accurate, assuming it was accurate, assuming that is a real case, it takes about a half a century for that all to take place. So I think we need to put that in perspective.

My colleague from Wyoming agreed with me; we should favor the gutsy people, gutsy people who picked up and came here. What is to say those people on that chart are not gutsy? What is to say they are not people who contributed to society? What is to say they are not people who work with their family, maybe work in a business to make things happen? That chart is almost the history of this country, almost a reflection of our own, not just the history of this country but a reflection of many of our own families, if we go back a generation or two or three.

I wish to return to another issue because this issue keeps coming up. I just want to return to it because it shows I think how many times the mixing in our bills and in our mind of the issue of legal immigration and illegal immigration leads not only to what I think would be bad legislation but I think bad thinking and confusing thinking and confusing rhetoric. Let me give one example. It has been stated time and time again one-half of the people who come here—let me get the precise language. I wrote it down. One-half of the people who are illegally here came here legally. One-half of the people who are illegally here came here legally. Yes, that is true. But these are not the people we are talking about when we talk about legal immigrants. These people were never immigrants, immigrants meaning someone who is here on the path to becoming a citizen.

Rather, these are people who came here—yes, legally—but who came here with absolutely no expectation that they would ever become a U.S. citizen. These are people who came here to work on visas. These are people who came here as students. Frankly, they overstayed; they overstayed their welcome, they overstayed the law, and they are a problem. This bill begins to address the problem, the bill as currently written. The Simpson amendment does not do anything about this problem.

In all due respect to my friend from Wyoming, I think the only thing this rhetoric does is confuse the issue because people then make the jump and say you have to combine the two issues. They are separate and distinct. Legal immigrants is a term of art. People who are here—that is not the problem. There are some people, a lot of them, who overstay the law. They came here legally but they were never legal immigrants. I think it is important to keep those two things in mind.

The statement is also made that aliens use social services more than native-born Americans. Again, every statistic, every study that I have seen, as well as anecdotal evidence that I think most of us have seen in our home States, would indicate that you have to look beyond that statement. That statement may be technically true, but if you break out legal immigrants, people who came here legally, people who have become citizens, people who got in line the way they were supposed to get in line, people who are now naturalized citizens or who are legal resident aliens, in line to become citizens—if you look at that group, and that is the group that the Simpson amendment is going to affect, what you find is statistically they are on welfare less than native-born Americans; less. Again, I think it shows the problem when we try to mix the arguments and when we try to combine legal and illegal.

This vote is a vote not just on the merits of the Simpson amendment. It is also a vote on whether or not this Senate is going to take an illegal immigration bill that I do not think is perfect—in fact, I have a couple of amendments. One amendment I am going to offer; another amendment from Senator ABRAHAM I am going to support. We are going to fight about those and vote on them. But it takes an illegal immigration bill that I think is a very good bill, a bill that addresses the legitimate concerns that honest Americans have that their laws be enforced, that we play by the rules and that people who come here illegally are dealt with—it it takes that concern and superimposes on it—this is what the Simpson amendment does—a whole other issue, an issue that this Senate should debate, should talk about. But on a different day. It confuses the two issues, puts them together, and I think that is a mistake.

For those of my colleagues who are concerned, and I think virtually everybody in this Senate is, about passing an illegal immigration bill and getting it signed and having it become law, the best way to do this is to defeat the Simpson amendment.

Do not take us down the path of getting in the swamp, getting in the muck of all the other issues we are going to be into if, in fact, the Simpson amendment passes. Legal and illegal, they simply, I believe, have to be kept separate.

I am going to have a few more comments later on. I do see several of my colleagues who are on the floor waiting to speak. I will, at this time, yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I rise in favor of the Simpson amendment. First of all, let us understand something very clearly. The discussion about separating the bills, the legal and illegal bills, boils down to one simple political fact. Those who do not want any changes in the laws relating to legal immigration in this country, who do not want to change the numbers, who want to continue to see the number of legal immigrants in this country continue to rise, as the charts that were shown earlier indicate—those people who do not want to see any constraints on legal immigration also do not want to see the issues of legal and illegal immigration combined into one bill because they understand that there is a very strong political desire to deal with the problem of illegal immigration. This body will not refrain from dealing with the problem of illegal immigration. Therefore, if we are talking about the same subjects in the same bill—there is going to be a bill and there could be a change in the law relative to legal immigration—so they do not want to see that. They would rather see the legislation regarding illegal immigration pass and then do nothing with respect to legal immigration.

The Jordan Commission made some very substantial recommendations about both legal and illegal immigration. Specifically, it determined that our law should be changed to put some caps on the numbers of people legally immigrating to the United States. The basis for the recommendation was what has occurred in the last 10 years, both with respect to illegal immigration and the increases in legal immigration. Ten years ago or so when the law was changed, the assumption was that we would stop illegal immigration. How naive, I guess, everyone was. We thought by making it illegal to hire those who were here illegally, we would remove the magnet and people would stop coming here illegally. We would

not employ them. Therefore we would not have as many illegal entrants. And, therefore, we could afford to raise the number of legal entrants.

So the Senate and the House in their wisdom, before the occupant of the chair and I came to the Congress, decided that what they would do, since we were going to have so many fewer illegal immigrants, was to simply raise by almost a quarter of a million the number of people who could come here legally.

Of course not only have we had more legal entrants every year, but illegal immigration has also risen. It is the combination of both of these numbers increasing that has resulted in the substantial majorities of people surveyed, regardless of which survey you look at, who say we need to do something about the problem, both problems. We need to get a handle on controlling our borders. We need to make it harder for illegal immigrants to be employed and receive welfare benefits. And we also need to reduce somewhat the number of people coming into the country legally.

You can argue about where the numbers should be. My own view is that at least it ought to be taken about to the level that it was 10 years ago. It is still about a quarter of a million people a year. The Jordan Commission actually recommended fewer than that. The Simpson amendment actually recommends more than the Jordan commission did, but it recommends it as a true cap. It says this is a real number; 480,000 will be it. Period. That is, each year, how many people can come in legally.

The bill, as it came out of the Judiciary Committee and as it is here on the floor, however, does not really limit the numbers. It provides a cap but it is called a pierceable cap, meaning you can actually have more numbers than that. And, because of a phenomenon which I will discuss in a moment, the net result is that there really is no cap at all. So let us speak very plain English here. Nobody is trying to cut off legal immigration. Nobody is trying to cut it in half. Nobody is trying to cut it even by 25 percent. But what we are saying is that there should be some limit on it, as opposed to the bill, which will enable it to escalate substantially.

Those who favor basically open, legal immigration, will say, ''Oh, no, the bill actually has a cap in it.'' That is true. But, as I will point out in a minute, the cap does not mean anything. It can be pierced and it will be pierced because of the large number of people who are awaiting their turn to become legal citizens, just precisely as Senator ALAN SIMPSON pointed out during his remarks about an hour ago.

Let me return to a point that I made just a second ago and actually cite some numbers. A recent ABC poll showed that 73 percent of the people in the country want reduced immigration. A recent Roper poll showed that only 2 percent of the respondents supported the current levels of immigration; only 4 percent of blacks and Hispanics supported the current level. There is overwhelming view in our country that immigration numbers should be somewhat reduced.

If I look at the actual survey numbers, as was pointed out before, most of our citizens would reduce those numbers far below what any of us are talking about doing here today.

We ought to be responding to what our constituents are asking, but as happens so much here inside the beltway, with various lobby groups putting pressures on Members, we are not even going to come close to what the majority of the people in this country are asking. We are not going to reduce the number of legal immigrants in the country to 100,000 per year, as a majority of Americans would like to see. We are not going to call a time out on any legal immigration. We are not going to reduce it to 200,000 or 300,000 or 400,000.

The most that we are going to do is to get it about at the level that it was 10 years ago, somewhere in the neighborhood of 480,000. So all of the great speeches about how we are shutting off immigration and we are keeping people from coming to this country obscures the fact that we would be allowing about one-half million legal immigrants into the country every year. Of course, this bill applies only to 5 years, and then we go back to the levels that exist today. The Simpson amendment is just a temporary 5-year breathing space to establish a true priority system for family immigration.

As Senator SIMPSON pointed out, one of two things has to happen here. Either we have to change the priorities so that instead of spouses and minor children, the two groups that we want to grant the top priority to—that is existing law; I think that is what all of us would agree to—we are either going to have to change that priority so that brothers and sisters or others could come in ahead of them or, if we are going to do what the proponents of more immigrants want, we are going to have to increase the total numbers, because the current priority system will result in far more people coming in than the current numbers allow. That is why this pierceable cap—it is only a cap in name, because the fact is the proponents of more immigration understand that if you leave the priority system as it is, inevitably there will be far more legal immigrants than there are today.

The goal with the Simpson amendment is reunification of the nuclear family to ensure that the spouses can come in, that they have a top priority and that the minor children have a top priority.

One of my colleagues made this argument, ''Well, Senator SIMPSON is actually giving a greater priority to the children of permanent residents than to the children of citizens.'' That is not true, Mr. President. Minor children of citizens are the first priority. Minor children of permanent residents are the second priority. It is true that minor children of permanent residents have a priority above adult children of either citizens or permanent residents.

I ask my colleagues who made the argument, would they change that priority? Would you put a higher priority on the adult children of citizens than on the minor children of permanent residents? Because, remember, permanent residents are legal, too. They have a right to live in this country as long as they live, and if we are talking about keeping nuclear families together, we have to be very straightforward about this, and I do not think there is anyone here who would not agree that the current priority, which is for spouses and minor children, should be the top priority.

So let us not hear discussion about how we are putting the children of permanent residents above the children of citizens. We are putting the minor children of permanent residents above the adult children of those who become citizens.

Mr. DEWINE. Will the Senator yield for a moment?

Mr. KYL. Yes, just for a moment.

Mr. DEWINE. Does the Senator agree with the Jordan Commission when they said that of those individuals that you just referenced, there are at least 850,000 of them who are not waiting to come in but who are already, in fact, here?

Mr. KYL. As has been noted earlier, that statistic could well be accurate, and about 65 percent of those people who are here are here illegally, if Senator SIMPSON's statistics are correct, which would suggest to me that we should not be granting a priority to people who, though they are here, got here illegally. I will be happy to yield for another question.

Mr. DEWINE. If you will yield for an additional comment or additional question.

Mr. KYL. Sure.

Mr. DEWINE. If the figures of the Jordan Commission are true, that 850,000 spouses and children are here, would you agree that no one is seriously talking about kicking them out of the country? So, in other words, when we talk about it is important to reunify these families, that may be true on paper but in reality they are already reunified. They were never apart because they are here together.

Mr. KYL. My colleague makes a point. I think he proves too much by his argument, though. Nobody is going to kick them out. That is the whole point. So all the bleeding heart stories about how these people are not going to be reunified is, frankly, beside the point. They are here. Many of them are here illegally, but they are here. What they will have to wait for is simply their opportunity in line to have their status recognized as legal. So in point of fact, they are not being hurt one iota.

Mr. DEWINE. Will the Senator yield?

Mr. KYL. Let me finish making this point. Because what we are talking about with the backlog requires two points of clarification.

One, that backlog will be cleared up; those people will get their legal status eventually and, in the meantime, as my colleague points out, they are here already, they are already unified, they are not suffering apart from each other.

Second, it is important to note that the Simpson amendment grandfathers all of those people who came, I believe it is before May 1988—the exact date Senator SIMPSON can clarify—so that we are really not talking about in any real numbers creating a hardship for those adult children who would want to be reunified under the third priority.

Mr. President, I really would like to get on.

Mr. DEWINE. Will the Senator yield for just one more?

Mr. KYL. I will yield one more time.

Mr. DEWINE. Then I will sit down and get my own time. I appreciate my friend's generosity with his time.

I wonder if he could just respond to this. Is it not true that the individuals he just described who are already unified, who are together, are the people that Senator SIMPSON says his amendment is intended to benefit and who, I argue, because of that amendment, are people who really do not need to be unified anyway; they are already unified. They, with his amendment, would be pushing out adult children, yes—adult children—of U.S. citizens who could not come in and minor children of U.S. citizens who happen to be married?

I want to clarify for the membership who we are really talking about. These are people—850,000 of them—who are already here. My colleague says no one is talking about kicking them out. They are already in the country. So to me it is a little misleading, or maybe it does not tell the whole story, to use the term we are ''reunifying'' these people—and that is the purported sense of the Simpson amendment—when, in fact, they are already physically unified. They may not be on paper unified but they are here and living together. That is who he intends to benefit.

I appreciate the Senator's generosity.

Mr. KYL. It is a point well made, but I believe the point relates to all the categories. As Senator SIMPSON related before, in all four categories of priorities, there are people here illegally who are simply waiting for their turn to become officially recognized as legal. The largest number is in the first category, and then it goes down in number to the point in the bottom category it is the fewest.

So in each of these categories there are people who are here illegally who will have to wait a while before their status can be made legal and who, as my colleague from Ohio rightly points out, are not going to be kicked out.

It is important for us, however, therefore, to focus on this question of priority. Senator SIMPSON and I and others simply believe that the first priority should be the priority of the Jordan Commission and of the existing law that minor children and spouses are the first to receive their legal status. In some cases, it will be legal status for the first time reunifying the family because the rest of the family is not in the country. In other cases, they are already here, and it is simply legalizing the status quo.

The next priority and the priority after that would then come into play. In each case, there are some people who are already here illegally who would become legal, and there are others who were abroad and would be allowed to come to the country, reunify with the family, and eventually become legal. It is all a matter of priorities, Mr. President.

As Senator SIMPSON noted, one of two things is true: Either we change the priorities—and, again, I do not really think anybody is really suggesting that—or we have to recognize that there are so many people who are eligible that the numbers are going to increase dramatically. I think there is an interesting story.

By the way, may I just go back and point out when I talked about pierceable, I meant to describe what we mean by that. The Simpson amendment provides for 480,000 admissions per year. The question is whether or not that number is pierceable or not. The Simpson amendment is a true number. What you see is what you get. What the Jordan Commission recommended was a far lower number, 400,000, but theirs was pierceable, as is the current bill. ''Pierceable'' means that, because admission of nuclear family members of citizens is unlimited, the admission limit can be pierced. That is the top category, the citizen category. It is actually two categories, because the citizen's both minor children and spouses and then also other relatives of citizens.

Because the number of relatives of citizens is unlimited, when we say there is a cap of 480,000 or 400,000 or whatever it may be, that is not really true. It is that number plus however many additional relatives of citizens are allowed to come in.

The Simpson number is a true number: 480,000, period. Over time, that will accommodate all of the categories that they want to come in. Some will simply have to wait longer than others. We say the ones that should have to wait longer are the more distant relatives, not the spouses and the minor children.

What are the official estimates of how many numbers we are talking about? According to the official INS estimates, immediate relatives will range from 329,000 to 473,000. Mr. President, let me read those numbers again for the benefit of my colleagues. Remember, the Simpson amendment calls for 480,000 family members—additional employment and diversity numbers—but 480,000 family members. INS' official estimates are there will be from 329,000 to 473,000 immediate relatives over the next 7 years, with an average of about 384,000 for immediate relatives.

So the number of 480,000 is plenty to accommodate these immediate relatives. There would be about 100,000 additional slots for family-based categories other than the immediate relatives, the people who my colleagues from Ohio and Michigan have primarily addressed, 100,000 a year.

It does not provide additional slots for the legalization backlog reduction. It is assumed those individuals will be absorbed in the immediate relatives category of U.S. citizens, many of whom, as my colleague noted, are now eligible for naturalization. As I noted, at the end of 5 years this limitation of 480,000 ends anyway. So under the official INS statistics, there is plenty of room for all of the people who have been talked about here to become legal in the United States of America.

The facts, however, are somewhat different than the official story. Here is where we find out the rest of the story, as Paul Harvey would say. It appears that there are some informal INS estimates that differ from the formal estimates. In fact, according to the San Diego Union-Tribune article that has been mentioned here, there will be a significant increase, a 41-percent increase in legal immigration that the INS now says will enter the United States over the next 2 years. They have undercalculated or miscalculated too low for the next 2 years, and the fact of the matter is, we are going to see about a 41-percent increase in the next 2 years.

The article provides details about unreleased data from the INS showing that immigration will rise 41 percent this year and next year over 1995 levels. This is the result of an approximate 300,000 administrative backlog of relatives of individuals who have not realized applying for alien status. Therefore, the fact is, under the bill as currently written, we are not going to see a slight decrease. As the proponents like to say, we are going to see a huge increase.

As Senator SIMPSON noted, you cannot have it both ways: Either you change the priority, which nobody wants to do, or recognize there have to be a whole lot more numbers. The truth is, as the INS-reported numbers in the San Diego paper show, that will be substantially increased over 1995: 41 percent in both years.

As I said, the Simpson amendment is important because it provides a true temporary limit. In 1990—in 1990—the level of immigration was increased substantially, by 37 percent. There was an increase because it was thought that the new employer sanctions would reduce illegal immigration, as I mentioned before. That has not occurred. We know that there are approximately 4 million illegal immigrants in the country and about 300,000 to 400,000 new

illegal immigrants entering the country each year. So that number has to be added to the numbers that we are talking about for legal immigrants.

Mr. President, the United States has always been—and, as long as I have anything to say about it, is going to be—a land of opportunity both for U.S. citizens and certainly for all of those who come here legally. But as much as we are a nation of immigrants, we are also a nation of laws. We cannot afford, as a nation, to continue to incur the unrestrained costs of both legal and illegal immigration in jobs, welfare, education and health care. Senator SIMPSON is trying to get a handle on this by limiting immigration very slightly over a very limited period of time, 5 years, as the American people have demanded.

Unless we reform our legal and illegal immigration laws, I believe we will undermine the United States as a land of opportunity for all, both foreign and native born. Everybody has a story to tell how they got here.

My grandparents emigrated here from Holland. My grandmother hardly spoke English. I am very proud of my Dutch ancestry and the traditions that we have maintained, but I think that my grandparents, who assimilated into our society and became Americans, would be rather shocked and somewhat disappointed at the way that the system has grown over recent years. My guess is that they would be supporting attempts of people like Senator SIMPSON to try to bring the right kind of balance and to try to provide opportunity for all of those who are here already and who we will invite legally to come here in the future.

That is why I support the Simpson amendment. I think it is a very reasonable amendment. It is even more liberal, if you want to use that term, than the Jordan Commission recommendation. I know that we all regret that the chairman of the Jordan Commission, Barbara Jordan, herself is not here, cannot be here, because of her untimely death, to defend the rationale for the Jordan Commission report, which, as I said, is even more conservative in this regard than the Simpson amendment. But I think we ignore that report at our peril, and we ignore the sensible arguments that Senator SIMPSON has made here at our peril. As I said, that is why I support and hope that others will support the Simpson amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, a number of my colleagues have made some comments with regard to the underlying legislation, with regard to the amendment that is before the Senate, and also in reference to the Jordan Commission. I will make a brief, brief comment about those comments and also come back to the underlying reason why I am opposed to the Simpson amendment.

Mr. President, we can talk about numbers, and I will get back to where we are in terms of numbers, but for the purpose of understanding in family terms—in family terms—what this amendment is really all about: If you are an American citizen today, you can bring your wife in, you can bring minor children in, you can bring parents in without any limitation at all. That is the same with the Simpson proposal and the underlying amendment. That will not change under this particular proposal.

Under the current law, if you are an American citizen, you can bring your adult children and your brothers and sisters in. There are numbers for those. Today the demand on that does not overrun the numbers which are available. We are talking about 23,000 adult children that come in and some 65,000 brothers and sisters. All of those get in now currently. Under the Simpson amendment, there would not be the guarantee that those would get in. I think it is highly unlikely they would be admitted.

Today, if you are an American citizen, you can bring in the adult children and the brothers and sisters of American citizens. Beyond that, we also have for the permanent resident aliens, slots for minor children and spouses. There are numbers for them, but they get in now. They are able to rejoin. We are talking about the minor children and the wives of the permanent resident aliens that are coming in here today. They are all at risk. There are some 85,000 of those. They get in today.

Now, what does the Simpson proposal basically do? It provides for a limitation on the overall numbers. Then there is what is called the spillover. There are 7,000 slots for that spillover. Mr. President, 7,000 slots for the spouses and minor children of permanent resident aliens. It was 85,000 last year. Those wives and those children were able to get in here. Under the Simpson proposal, there will only be 7,000 available.

Then the Simpson proposal says if the wives and small children all get in here, we will spin what else is left over to take care of the adult children and brothers and sisters. That is just pie-in-the-sky if you look at what the numbers are and what the demands are.

Effectively, what the Simpson amendment does, by his own description: We will say, OK, we will permit citizens to bring their spouses and minor children and parents in here but virtually no one else, at least in the first year, because the other groups now, the adult children, which are 23,000 that are coming in here, and the brothers and sisters, which are 65,000 that are coming in here, and the children and wives of the permanent resident aliens that are coming in here, SIMPSON will say all of those together will get 7,000 visas.

Effectively we are closing the door on those members of the family. That is the principal reason I oppose it. No. 1, it is dealing with legal immigration and not illegal. If we are interested in legal, we have a variety of different additional issues. This is the heart of the legal immigration, the numbers of families. It is the heart of the whole program. Always has been. It is the heart of it. That is what he is changing.

We say that the reason we have this slight blip in the flow line of the increase is because of a set of circumstances that were put in motion by Senator SIMPSON, myself, and others who voted for that 1986 act and the amnesty. It has taken 12 years or so for those individuals to get naturalized that were under the amnesty and now are joining members of the family. After a couple of years, it begins to go down.

As a matter of fact, for example, the total immigration for 1995 in the family preference was 236,000; in the year 2001, it will be 226,000. These are the latest figures. We have the blip now on personal family members. We are committed, even with that, when we get to legal immigration, to lower those numbers in a way that is going to be fair in terms of the different groups that are coming in here. We are not reducing the numbers on the real professionals that are coming in here. Senator SIMPSON reduces it to 100,000. The fact is they are not using 100,000. Do we understand that? We are not using the 100,000 that is incorporated in the Simpson amendment. There is no cutback there. No cutback there, my friends. Mr. President, 32 percent in families—no cutbacks in the permanent numbers.

Where are some of those permanent? We are talking about cooks, auto mechanics. They will be able to come in here. But the reunifications of brothers and sisters—no, they are not.

Mr. President, I do think that what we ought to do is say, Look, on this issue, we had tried. Senator ABRAHAM and myself had offered an amendment in the Judiciary Committee to reduce the overall numbers by 10 percent on that. We have found out in recent times that the numbers have bubbled up. Doris Meissner testified in September of last year that the numbers were increasing. Barbara Jordan had highly professional staffers, and they had access to the same information. They did not identify this kind of a bubble. Senator ABRAHAM indicated—and I join with him—when we get to legal immigration, we will see a fair reduction across the board in terms of these visas, 32-percent reduction for brothers and sisters and the wives and small children of permanent residents. Now, that is not fair.

Finally, Mr. President, I think the argument that has been made by my colleagues and friends about not addressing this issue at this time but addressing it at the time we were going to deal with the legal immigration is the preferable way of proceeding.

I listened to the presentation of my friend and colleague from Alabama,

Senator SHELBY, and I watched those charts go up and come down. The fact about the presentation was that we had the mixture of legal and illegal. He points out that 25 percent are in jail. The problem is about 85 or 90 percent of those are illegals that are in jail. When he says on the chart, looking at this foreign born, ''They are in jail, they are using the system,'' those are illegals. Most are involved in drug selling in the United States. They ought to be in jail. They ought to be in jail. They are violating our laws. They are the ones who are in jail.

The fact of the matter is, as others have pointed out during the course of this debate, when you are talking about illegal, you are talking about people who are breaking the rules, talking about unskilled individuals who are displacing American workers, you are talking about a heavier incidence in drawing down whatever kind of public assistance programs are out there. That is the fact. That is why we want to address it.

When you are talking about legals, you are talking about individuals who, by every study, contribute more than they ever take out in terms of the tax systems, who do not overutilize any more than any native American the public programs for health and assistance—with the one exception of the SSI where they have greater use, primarily because of the parents who have come here for children after a period of time are older and therefore need those services. We have addressed that with our deeming provisions. We will have an opportunity to go through the progress that has been made in saving the taxpayer fund.

We are asking, why are we getting into all of those issues suddenly? We will take some time, when we address the legal immigration issue, to go over what has happened in terms of the deeming provisions for senior citizens. That makes a great deal of sense.

Finally, I heard a great deal about the Jordan Commission. The fact of the matter, on the Jordan Commission numbers it is recognized it would be 400,000 that would come here with families. They had another 150,000 in backlog which would be added on to that. They did not even include refugees, which they cited would be 50,000. You add all of those up and you are talking about 400,000 for family, 100,000 in employment, 150,000 in backlog, and 50,000 in refugees. That comes to between 700,000 to 750,000. All of these figures are virtually in the ballpark.

The point my friend from Arizona left out is that one of the central provisions of the Jordan Commission was to do something about the backlogs of spouses and children. It is out there now. With this amendment, you are going to make it even worse. You are going to say to any spouse or child of any American citizen, ''You are not coming in here for 5 years, and you will be lucky if you get in after that because of the way this is structured.'' No backlog reduction, ignoring one of the basic facts.

Mr. President, I think the family issue is the most important. We can work out our numbers in ways that it is going to be fair and balanced along the way. We are seeing the tightening of the screw, a 32-percent reduction with the Simpson proposal, if this measure is adopted, for immediate members of the family. Nothing in terms of the employment. They were down to 83,000 last year. Senator SIMPSON allows for 100,000. Those numbers can continue to grow. I think that is absolutely wrong.

Even if we were dealing on the merits of it, I do not know why we should tighten the belt on families quicker than on those that are coming in and displacing American workers, and, in many instances, they are, as I mentioned, auto mechanics and cooks and other jobs. I think families are more important than those, if you have to choose between them.

Mr. President, we have had a good discussion. Many have spoken about this. I hope the Simpson measure will not be accepted.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Madam President, while we are debating the Simpson amendment on legal immigration, let me stress the need to address the problem of illegal immigration as part of Senate bill 1664. I support S. 1664. Madam President, stopping illegal immigration is one of the most difficult problems facing the United States.

A recent study concluded that, since 1970, illegal immigrants have cost the American people over $19 billion in both direct and indirect public assistance.

None of us doubt that illegal immigration is soaring in the country. Some estimate that the number of illegal aliens in the United States is over 4 million people. Moreover, the number of illegal immigrants coming into the United States is growing by over some 300,000 a year.

During the recent recess, I visited many counties in North Carolina. It was very interesting that each county I went into, the county commissioners and the health officials all said, ''We have a particular problem in this country that does not apply to other counties. We are being inundated with illegal immigrants.'' Well, it became almost a joke because each county was of the assumption that they were the only one that had the problem. The truth of it is, the problem is not only statewide, but it is nationwide. We need to stop it.

Illegal immigrants are not supposed to be able to get public benefits; yet, over time, this has been changed. The Supreme Court ruled that children of illegal immigrants are entitled to a public education. Illegal immigrants are entitled to Medicaid benefits under emergency circumstances—which are most circumstances. Further, illegal aliens may receive AFDC payments and food stamps for their children. This is simply another burden on the working, taxpaying people of this country. In defiance of all common sense, it seems that only in America can someone who is here illegally be entitled to the full benefits that the Federal Government has to provide.

We are stripping the money out of the paychecks of the working people, to support 4-million-plus illegal immigrants. Is it any wonder that they are pouring into the country at an enormous rate of something like 30,000 a month?

What does this say about the breakdown in the welfare system—that it can provide benefits for illegal aliens? We simply should not be doing it. That was not the design of the welfare system. We are bankrupting it and corrupting it by continuing to sponsor and support illegal aliens in this country.

Madam President, we have people coming into the United States illegally for higher-paying jobs, free schools, food stamps, and Government-sponsored health care. By flooding the United States, the illegal immigrant population is taxing fewer and fewer public resources. We simply cannot afford the continuing rise in illegal immigration.

Madam President, this bill is not perfect, but at the very least it will attempt to control the flow of illegal immigrants coming into this country by providing additional enforcement and personnel and by streamlining the deportation procedures, so that they can be removed.

Further, this bill will stop the practice of people entering the country legally—and then going onto our welfare rolls. Anyone who goes on welfare within 5 years after arriving here can be deported. This is not as much as we ought to be doing, but it is a start.

Madam President, we need to pass this bill to stem the flow of illegal immigrants. We cannot let this become another issue that the Democrats in the Senate stop. It is too important to stop. For that reason, I hope the Senate can act on this legislation.

I thank the Chair and yield the remainder of my time.

Mr. SIMPSON. Madam President, I think we may be nearly ready to properly proceed to a rollcall vote on this issue. And then I think that will remove greater delay, as we move into the other items that are in the amendments that we are presently aware of.

I hope that people with amendments will submit those, giving us an opportunity on both sides of the aisle to see what amendments there may be yet forthcoming, because at some point in time—maybe today—we can close the list of amendments so that at least we would have some perspective. I have given up one or two of my amendments—one that Senator FEINGOLD and

I debated in committee. I have withdrawn that. I hope that that marvelous, generous act will stimulate others to do such a magnanimous thing as to take one of their ''babies,'' one of their very wonderful things, and lay it to rest, perhaps.

In any event, I think that we are nearly ready to proceed to a final vote on that. I think anything else I would say would be repetitive, other than to say that the choices are clear. To do all the things we want to do, which play upon your heartstrings, you have to raise the numbers. If you do not raise the numbers, then you have to make priorities. If you are making priorities, it was my silly idea that you ought to have the priorities as minor children and spouses, and not adult brothers and sisters. That is where my numbers would come from. No mystery. That is where they would come from. They would go to spouses and minor children and come from adult brothers and sisters, who, in my mind, are removed from the immediate family category. That comes with wife, children, mother, father. All of us surely will remember that that is from whence we all sprang.

We can proceed, hopefully. I yield the floor.

Mr. ABRAHAM. Madam President, I have a couple of more issues that I want to inject at this point relative to this amendment.

I know there is at least one, or maybe two, of our colleagues who have come by this morning and indicated they wanted to speak. So I urge them, if they are in their office, or if their staff is watching, at this point to please proceed here if they are still interested. I do not have any intent to prolong the debate much further. But I want to make sure that some people who we had promised to find a time for will come here for that opportunity.

I would like to comment again on a couple of points I have been making today but also on some other issues that have been raised by previous speakers. One is the issue of polls and polling data.

I think certainly it is a responsibility of elected officials to be observant of public opinion and constituent views. But I think it is also important to understand that polling and the use of polls is oftentimes quite contradictory and quite confusing. We all know that the polls have said for years that Americans overwhelmingly want a balanced budget. But then, as we have learned, if they are told it means something specific that affects them, they all of a sudden have a little different opinion.

In that vein, I say that some of the polling related to immigration can be both, on the one hand, telling and, on the other hand, contradictory. Yes, it is true, overwhelmingly people want to deal with the immigration problems. The polling I have seen suggests, though, that the first priority they have is to deal with illegal immigration. That is why the first bill before us is a bill on illegal immigration.

I also suggest that those who say they want to see the number of people who are permitted to come to the country legally reduced, those who say that would have different opinions if they understood the ramifications that might affect them or their communities. I have not seen polls go to that kind of extent. But I suspect if people understood that the children of U.S. citizens would have a lower priority than the children of noncitizens, they would surely not favor that form of legal immigration changes.

I also would like to comment just as a postscript to the comments of the Senator from North Carolina. He is deadly accurate in his comments about the impact this bill has on the welfare access that noncitizens will have. Indeed one of the foremost objectives of this bill on illegal immigration has been the objective of trying to address the issuance of public assistance to noncitizens. One of the reasons we think this is a major problem with regard to immigration has been that people have—some people at least—tried to come here illegally to gain access to benefits. This bill attempts to address it. I think it forcefully will.

The point I would like to touch on now very specifically is the broad question of numbers because the comments of the Senator from Arizona a few moments ago in the dialog between him and the Senator from Ohio—I do not know how many Members were watching—I thought that was perhaps as telling as any other discussion we have had here today on the question of exactly what really is going to happen if this amendment passes.

As has been pointed out, the Immigration and Naturalization Service has noted that there will be a spike, an increase, in the number of people who become able to become legal immigrants in the next couple of years under the so-called family preference categories of spouses and children of U.S. citizens. That is an unlimited category. That is going to go up. But what the Senator from Ohio, I think, has said and which I think is important, is that all Senators considering this amendment should understand that increase does not mean new people coming into the United States. What it reflects overwhelmingly is a group of people who, because of the 1986 act which gave amnesty to those in the country illegally and a subsequent action by the Congress in 1990 which gave quasi-legal status to the spouses of minor children of those who gained amnesty, these people are largely overwhelmingly already in the United States. Consequently, the increase that has been alluded to is not an increase in people coming to the country; it is a shifting of people already in the country from one category to another, from a quasi-legal status category to a legal status category. It does not mean a lot more people coming as immigrants to the United States.

That said and acknowledged—I might add, by everybody who has spoken here today—let us think about the ramifications of the Simpson amendment before us. What that amendment will do is basically preclude others who are not already here from coming in huge numbers and in what I consider to be appropriate priorities, as I said in my last statement. In other words, people who are noncitizens will be able to bring their children to this country and people who are citizens will not be able to bring their children if their children are either married or adults. That will be the ramification, because the use of these 480,000 visas that are part of this amendment will be exhausted by the first categories of the relatives; that is, spouses and minor children of U.S. citizens and permanent resident noncitizens.

In short, we will be placing priorities, in my judgment, in the wrong bay. We will be giving the children of citizens a lower priority than the children of noncitizens. We will be giving the children of citizens a lower priority than the children of people who came here as illegal immigrants. We will be giving children of U.S. citizens a lower priority simply because of making a paper transaction in the status of folks who are already in the country. That, in my judgment, is not the way we should be dealing with legal immigration issues.

I also point out that the impact of this is really quite profound. We are talking about, I think, turning away from in many ways, really, the historic basis on which this country was built. Legal immigrants, the children of U.S. citizens, have been great contributors to this country. They have come here and made contributions. Literally hundreds of this Nation's Medal of Honor winners were legal immigrants. Hundreds of people who make contributions in the sciences, high-tech industries, and so on, and built our great cities are the children of legal immigrants. This amendment will basically shut the door on them—those children of legal immigrants who are not minors.

Much has been made of this distinction between minors and so-called adult or married children, that somehow they are no longer part of the nuclear family. Maybe that is true for some families in this world, but it is certainly not the case in my mind. It is not the case for the Senator from Ohio, as he pointed out. I do not think it should be the policy of the U.S. Government to distinguish in that fashion. I think that would be a huge step in the wrong direction.

So, Madam President, I stress that the priorities in the Simpson amendment in terms of who has access to immigration are wrong. Even if you think there should be changes in legal immigration, these are not the priorities that we should establish.

Let me now move on to the point that I made a little earlier in a little different way. The complexities of

these issues, the sorting out of what ought to be the priorities, the sorting out of what ought to be the method by which people gain legal access to the country ought not be dealt with in this type of vacuum, ought not to be dealt with as an amendment to the illegal immigration bill.

This Senate should focus—and I would be perfectly happy to have the comments made by an earlier speaker—I would be happy to have the legal immigration at the desk be brought up for full consideration and passed. But let us deal with these issues in their totality, not a small part of them. I think that approach is the wrong way to go.

That is why we, from the beginning of this discussion in the Judiciary Committee, urged that these issues be divided. It is how the House did it. It is how the Judiciary here did it, both in the full committee and in the subcommittee, and that is how the full Senate ought to do it as well.

Finally, we should not lose sight of the fact that countless organizations and groups who represent the most directly affected in all of this strongly believe in maintaining the separation.

It is interesting to note the many organizations that share this opinion: The American Electronics Association, American Council on International Personnel, the American Business Software Alliance, the Electronic Industries Association, the National Association of Manufacturers, the U.S. Chamber of Commerce, the Information Technology Association of America.

They believe we should not try to merge these issues of legal immigration into the bill before us, the bill on illegal immigration. Their opinion is the same whether the amendment is one pertaining to business immigration or an amendment, as the current one is, that pertains to family immigration.

They believe we should continue the distinction we have made here all the other times we have considered immigration questions, and separate these legal immigration issues that are very weighty and very complicated from issues of illegal immigration, which are equally complicated and weighty. And that I strongly urge, Madam President, be the approach we take today.

I am perfectly willing to have Senator SIMPSON's proposals and the proposals to be offered later by Senator FEINSTEIN, from California, on legal immigration debated fully here the way that we did in committee along with the rest of the issues that are all around legal immigration.

That is the way we should proceed. I do not fear that debate, and I suspect a bill such as was the case in the Judiciary Committee can be passed, but the sequence ought to be illegal immigration is the top priority. We have a good bill. Let us pass it and conference it with the House bill that is already out there on this topic, and then let us bring legal immigration from the desk to the floor and have at that issue as well.

I know the Senator from Wyoming would like to speak, and there is one other Senator on the way here, so I am going to yield the floor at this time.

I thank the Chair.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I believe Senator GRAMM is coming to indicate his support against the amendment so we certainly will withhold. I just want to say to my friend from Michigan, I think what happens in issues like this is you establish a degree of trust. You may have your own views, but we do not lay snares on each other. That is a very important part of legislating—to establish trust, and then you get in there and belt it around and then you move on. That is what I do and have always done in 30 years of this work. I have been in some that are much, much more intense than this particular one.

However, I do have to comment on the one thing that keeps coming back like a theme.

Oh, then I wanted to say that there is one group the Senator left off of that list, the American immigration lawyers. You would not want to leave them off the list. They have messed up more legislation in this area than any living group, and they will continue to do it forever. This is their bread and butter. The bread and butter of the American immigration lawyers is confusion. And when you try to do something, you use families, children, mothers, sons and daughters, and violins. That is the way they work, but they never give us many other options, nor do the opponents ever give us many options.

What priorities would you, I say to the opponents, like to take away if you do not raise the numbers? If you do not raise the numbers, what priorities of the preference system would you reduce? You cannot have it both ways. It cannot be. That is really one of the big issues.

Then the argument is we need to separate legal and illegal immigration because legal immigration reform is so important that it deserves our full and separate consideration on the Senate floor. That is the theme of all of those who are opposed to this amendment.

It is curious, very curious, that many, in the House at least, who support no benefits at all for permanent resident aliens, none, are talking about that as if it were separate and apart. I do not see how that can be. You are talking about permanent resident aliens. That means you are talking about illegal immigration and legal immigration. You cannot separate them.

It is a purpose of the original measure—and I compliment those who created this remarkable—not the Senator from Michigan. Some of the think tanks, whoever, some of the Government reps. Give them the credit. When you see it work, give them the credit. I compliment them on that issue because here we are—and this is the curious part. They say out there, down the street, wherever they are, in support of the argument, that the House voted to divide the legal and illegal issues. That is very true. The House voted to split their bill, and I assume the same arguments were made about the importance of legal immigration and the need to deal with that separately.

What actually occurred in the House is quite instructive. Legal immigration in the House is dead—dead. That is exactly what the message was in the House—dead. It will never get the careful and separate consideration that this body wishes to give to the issue—period. That is exactly what many of those who complain about combining the issues want—death. They want to kill legal immigration in all of its reforms, in every form of reform as suggested by the Commission on Immigration Reform. They want to kill legal immigration reform in any form, in any incubation, in any rebirth, in any form in the Senate just as it has happened in the House. They do not want a reduction of numbers. They do not want reform of the priorities. They want death, and that has worked very well in the House.

In the Senate, I appreciate the remarks of those in opposition because they are telling me they want a separate and careful consideration. I think that is great. I am going to wait for that. I am waiting for the separation. I will wait after this bill is finished to hear the separate and careful consideration of legal immigration. It is very pleasing to me to know that we will have that debate, I take it. I am overjoyed. Perhaps we can work out a time agreement. Perhaps we can work up the amendments. I would certainly drop away from some of the things. But to know that these things should be separated and to know with a heartening of my bosom that we will have that separate and careful consideration of legal immigration, that will be a very appropriate response at some future time. I think that all of us then will be looking forward to that because we know that in the House it was simply the death knell, and to hear it is not here is quite heartening.

I thank the Chair.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I would like to reiterate the sincerity of my comments with respect to having the legal immigration bill considered separately. I was under the impression—during the April recess, in fact, I was approached, I know, by the majority leader and asked if that was an acceptable approach. I know that the people who are here today arguing that these issues be maintained separately, approved and signed off and said they were fully supportive of having that bill come to the floor.

It was my understanding that the Senator from Wyoming had opposed that, and so I am a little bit uncertain right now exactly what did happen a couple of weeks ago. But I would just reiterate, from my point of view, our sincerity, and I guess my understanding was that a proposal to bring the legal bill to the floor had been rejected by the chairman of the Immigration Subcommittee.

Maybe I got the wrong story, but it is my understanding that offer was already extended and rejected. That is why, instead, we are here today trying to merge these issues, notwithstanding the fact that the House sought to split them, notwithstanding the fact that the Senate Judiciary Committee sought to split them. But I will reserve further comments for the moment. I see other speakers here.

Mr. SIMPSON. Madam President, I appreciate that.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I guess I remain somewhat skeptical—not of the Senator. Of course there is no House conference, but we will hold the debate. I think that is good. It will be good for America. I yield to the Senator from Texas—I yield the floor.

Mr. GRAMM addressed the chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I rise in opposition to the pending amendment. There is something in American folklore that induces us to believe that America has become a great and powerful country because brilliant and talented people came to live here. There is something in the folklore of each of our families that leads us to believe that we are unique. We all have these stories in the history of our families, of how our grandfathers came here as poor immigrants who did not speak the language.

I love to tell the story of my wife's family. My wife's grandfather came to America as an indentured laborer, where he signed a contract to come to America with a sugar plantation where he agreed to work a number of years to pay off that contract. And, when he had worked off that contract, he looked in a picture book and picked out the picture of a young girl and said, ''That's the one I want.'' And he tore that picture out of the book and sent for her to come to America to be his wife.

His son became the first Asian American ever to be an officer of a sugar company in the history of Hawaii. And his granddaughter—my wife—became Chairman of the Commodity Futures Trading Commission which, among other commodities and commodity futures, regulates the market for cane sugar in the United States of America.

I could have told much the same story about Spence Abraham, and about his grandfather coming to this country, and about my own grandfather, who came from Germany. But the point is, each of us in our own family has a folklore that basically tells a story, and the story is partly true but it is not totally true.

Folklore holds that America became a great country because of us; that America is a great and powerful country because these brilliant people from Lebanon and from Korea and from Germany and from everywhere in the world came to live here and their innate genius made America the richest, freest and happiest country in the world.

And because we believe that, we believe that America became great because we were unique and this miracle only worked for us, but it is not going to work for other people; that is, if people come here and they look different than we do or they sound different than we do or if their customs are different than ours or if their native clothing is different than ours, somehow they are different where we were unique and made America great by our coming, they are ''different'' and it will not work on them. That is a myth, and this amendment is based fundamentally on a belief in that myth.

America is not a great and powerful country because the most brilliant and talented people in the world came to live here. America is a great and powerful country because it was here that ordinary people like you and me have had more opportunity and more freedom than any other people who have ever lived on the face of the Earth. And, with that opportunity and with that freedom, ordinary people like us have been able to do extraordinary things.

While it is somehow not so reassuring about ourselves to say it, it is very reassuring about our country to know it. Most of us would be peasants in almost any other country in the world. We are extraordinary only because our country is extraordinary.

Now, with the best of intentions, this amendment says that we have immigrants coming to America and by getting here and getting a foothold and getting a job and building a life, that they are reaching out as each of us would do if we came from somewhere else, and they are trying to bring their mama and their daddy and their sisters and brothers and their cousins and their aunts to America. So what?

Let me just take that one point and develop it for a moment, if I may. Of all immigrant groups in America, to the best of my ability to ascertain, the identifiable group that uses things like the fifth preference in the immigration laws, the people who are the most focused on their extended family, the people, as immigrants to America, who have reached out the most to try to bring their families to America, are people who are from the Indian subcontinent.

Probably more than any other immigrants, at least if one looks at the use of things like the fifth preference—and I am not an expert in this area, but a fifth preference is a preference where you are trying to bring somebody in who is not, by the conventional definition, that close kin—this is a group that has used this provision of law that this amendment tries to reduce.

Let us look at a subsample of this group—Indian Americans. No. 1, of all identifiable ethnic groups in America, Indian Americans have the highest per capita income. Some people might find that shocking. The average Indian American in this country makes more money than does the average Episcopalian—which, if you break down by religious groups, is the highest income group in America. The average Indian American makes substantially more money than the average American who traces his or her lineage back to Great Britain. Madam President, 50 percent of all motels in America are owned by Indian Americans. In fact, 80 percent of them have the same family name. If you go to a hotel and you see an Indian American working there, and the chances are you are going to, and you want to guess at his name or her name, say, ''Mr. or Mrs. Patel,'' and you are going to be right 80 percent of the time. Now, this is not the same family, but it is a very common name.

The point being, why in the world are we trying to keep out of America an ethnic group that has the highest per capita income and the highest average education level in the country? It struck me as I was walking over here for this debate, I was talking to my youngest legislative assistant, named Rohit Kumar, Indian American, honor graduate from Duke University, that his family story is a perfect example of why we ought to crush this amendment. Let me just tell his family story.

His father and mother came to this country in 1972. They did not come on any kind of family preference. They were original immigrants. They both became medical doctors.

They then started the process of bringing their family to America. They brought their brother. He became a doctor. In fact, he is an oncologist in northern California. He brought his wife, who became an interior designer. They brought their nephew, who is a computer engineer. And they brought their father.

My point is, and I am a conservative as many of you know, but if we add up the combined Federal income tax that was paid 10 days ago by the people who came to America as a result of this first Kumar who came in 1972, this little family probably paid, at a minimum, $500,000 in taxes. Our problem in America is we do not have enough Kumars, working hard and succeeding. We need more.

Why do we want to stop this process? We want to stop it because somehow we believe that people are changing America instead of America changing people. We could have had this debate in the early 1900's. In fact, my guess is if we went back somewhere, we would find we did have the debate, because in

the years between 1901 and 1910, we had, on average, 10.4 immigrants come to America each year for every 1,000 Americans. From 1911 to 1920, we had 5.7 immigrants per year per 1,000 Americans; from 1921 to 1930, we had 3.5. Today, even though the number of immigrants in 1995 was just 2.8 per 1,000 Americans, some would have us believe we are just being flooded, we are being overrun by these people who become doctors and engineers and pay all these taxes, and I could mention win Nobel Prizes.

I could read the list of foreign-born Americans who have won the Nobel Prize, except the list is too long. I could read down the list of people who have become historic names in the scientific history of our country, names that we now think about and the world thinks about as American names, including Ronald Coase, who won the Nobel Prize in 1991 in economics, and Franco Modigliani, who won the Nobel Prize for economics in 1985. As a graduate student, I had no idea that they were foreign born.

The point is, the list goes on and on, full of people who have come here, who have caught fire, who have unleashed creative genius that has made America the greatest country in the world, and they may have brought their mothers. Great. May it never end. Could America be America without immigrants?

I know there are people who say, ''Well, they're taking our jobs.'' I want to make just one point about that. Go out in Washington today, go to a shoe store where they are repairing shoes, go to a laundry, go into a restaurant, in the kitchen of a restaurant, go any place in America where people are getting their hands dirty, and do you know what they are going to discover? They talk funny.

People who work for a living in America often talk with distinct foreign accents. Do you know why? Because we have a welfare system that rewards our own citizens for not working. A lady in Washington, DC, with one child on welfare, if she qualifies for the four big programs, earns what $21,000 of income would be required to buy. I do not think it is fair to say because people come to America and they are willing to work, when some Americans are not, that they are taking jobs away. I think that is our problem; that is not their problem. I know how to fix that. The way to fix it is to reform welfare and, at least on my side of the aisle, there is unanimity we ought to do that.

Let me also say that there is a provision in the bill—and I am a strong supporter of the underlying bill—that changes law, a change that is needed, and I congratulate our distinguished colleague, Senator SIMPSON, for his leadership in this. He and I worked on this together on the welfare bill. It is part of this bill, and it is vitally important.

We change the law to say that you cannot come to America as an immigrant and go on welfare. We have room in America for people who come with their sleeves rolled up, ready to go to work. But we do not have room for people who come with their hand out.

Let us remember that when people come to America legally and go to work, and with their energy and with the sweat of their brow they build their life, they build the future of our country.

A final point that I want to address is this whole question about the changing nature of immigration. There is something in each of us that leads us to believe that we are the unique Americans, that somehow we made the country what it is, that somehow it was because American immigration in the early days was basically drawn first from northern Europe and then from southern Europe that it made us somehow unique.

I think it was the system that made America, and we might have had this debate in the year of 1900 when the immigration patterns of the country had shifted to southern Europe and eastern Europe. I am sure at the turn of the century there were those in corporate boardrooms who were wondering what was going to happen in America with the changing makeup of the country when they, as people from British stock who had come to the country on the Mayflower or in some historic voyage, had to share their America with Americans who had come from Germany or from Italy or with Americans who had come from all over the world who were of the Jewish faith. I do not doubt somebody in 1900, and maybe a lot of people, worried about it.

But look what happened. Did those of us who came from other places prove less worthy of being Americans than the colonists? Did we find ourselves less worthy successors of the original revolution? I do not think so.

I believe we have room for people who want to come and work because America could not be America without immigrants. The story that is uniquely American is the story of people coming to America to build their dream and to build the American dream. I have absolutely no fear that by people coming to America legally and to work—no one should come to America to go on welfare—that America's future is going to be diminished by that process. I believe their new vision, their new energy will transform our country, as it has always transformed it, and we will all be richer for it.

The bill before us tries to stop illegal immigration. We have an obligation to control the borders of our country.

I am proud of the fact that in my year as chairman of Commerce, State, Justice Appropriations Subcommittee, we began the process to double the size of the Border Patrol and we enhanced the strength of that action in this bill. We deny people who come to America illegally welfare benefits, and we deny those benefits to people who come here legally. We do not want people coming to America to go on welfare.

But I do not believe we have a problem today in America with people who have come to this country and succeeded and who want to bring their brother or their cousin or their mother here. When you look at the people who are doing that, you find that they are the ones who are enriching our country.

A final point, and I will yield the floor. It has struck me as I have come to know ethnic Americans that many ethnic groups fight an unending and losing battle to try to preserve their identity in America. It is a losing battle because what happens is that young people who grow up in this country become Americans. There is no way that can ever be changed. Any differences that concern us very quickly vanish in this country with great opportunity, where people are judged on their individual merit.

What we are talking about today is trying to stop illegal immigration, which is what we should do, but we should not back away from our commitment to letting people come to America to build their dream and ours. We should not close the door on people who want to bring their relatives to America as long as their relatives come to work, as long as they continue to achieve the amazing success that immigrants have achieved in America.

There are a lot of things we ought to worry about before we go to bed every night. We ought to worry about the deficit. We ought to worry about the tax burden. We ought to worry about the regulatory burden. We ought to even worry about the weather. But as long as we preserve a system which lets ordinary people achieve extraordinary things, we do not have to worry that our country is somehow going to be diminished when an immigrant has gotten here, succeeded, and put down roots and then wants to bring a sister or mother to America. If that is all you have to worry about, you do not have a problem in the world. Let me assure you, I do not worry about it. I do not want to tear down the Statue of Liberty. There is room in America for people who want to work.

I remember, as a closing thought, 3 years ago I was chairman of the National Republican Senatorial Committee, and we had a big event where we invited our supporters from all over the country. I do not know whether it just happened to be the letter I sent out that time or what, but for some remarkable reason, about 80 percent of the people who came to this particular event were first-generation Americans. As a result, they all talked funny.

So we were about a day into the meeting and this sweet little lady from Florida stood up in the midst of this meeting and with all sincerity said to me, ''Senator GRAMM, why do all the people here talk funny?'' Boy, there was a collective gulp that you could have heard 100 miles away. So I thought for a minute, and in one of the better answers that I have given in my

political life I said, ''Ma'am, 'cause this is America.''

If we ever get to the point where we do not have a few citizens who talk funny, if we ever get to the point where we do not have a new infusion of energy and a new spark to the American dream, then the American dream is going to start to fade and it is going the start to die. It is not going to fade and it is not going to die on my watch in the U.S. Senate.

I yield the floor.

Mr. DEWINE. Will the Senator yield for a moment?

Mr. GRAMM. I am glad to.

Mr. DEWINE. I just want to compliment my colleague from Texas for one of the most eloquent statements I have heard since I have been in the U.S. Senate, a little over a year. His story of his family, but frankly most particularly his story of Wendy Gramm's family, his lovely wife, is America's story. I have heard him, because he and I have been out campaigning before together, I have heard him tell that story I think eight or nine times. Each time I hear it, I am still touched by it because it is truly America's story.

I will also compliment him on his comments about chain migration. When you look at the chart of chain migration, that is America's story, too. Those are people who are trying to bring their families here. You see it—and, again, it is anecdotal—but you see it when you go into restaurants in Ohio or you go into dry cleaning stores or you go into any kind of establishments in Ohio, Washington, or Texas.

You see people in there who, you just assume they are all family. You do not know whether they are brothers or cousins or who. They are all working. They are working. That is what is the American dream. That is what has made this country great. I just want to compliment him on really, after kind of a long, difficult debate, coming over to the floor and really cutting through some of our rhetoric and just getting right down to it. I compliment him for that.

Mr. GRAMM. I thank the Senator very much.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I think we have had a good debate. I listened attentively to the remarks of my friend from Texas. I heard him speak of a woman who is remarkable, Wendy Gramm. I can only tell him that people have told me many times in the past years that anyone who knows Senator PHIL GRAMM and Senator AL SIMPSON and knows Wendy Gramm and Ann Simpson, knows that the two of us severely overmarried—severely. In fact, a lot of people do not vote for us; they vote for them. But that is just an experience that I share.

As we close the debate, I hope we can keep this in perspective. We will continue to have the most open door of any country in the world, regardless of what we do here. The numbers in my amendment are higher than they have been for most of the last 50 years. We will continue to have the most generous immigration policy in the world. We take more immigrants than all the rest of the world combined. We take more refugees than all the rest of the countries in the world combined. That is our heritage. We have never turned back.

An interesting country, started by land gentries, highly educated people, sophisticates who came here for one reason—to have religious freedom. The only country on Earth founded in a belief in God. That is corny nowadays, but that is what we have in America. And it will always be so. People who came here were not exactly ragamuffins. They read Locke and Montesquieu and Shakespeare and the classics. Interesting country. No other country will ever have a jump-start like that in the history of the world, period. So it is unique, it is extraordinary.

AMENDMENT NO. 3737

Mr. SIMPSON. Let me have a call for the regular order. I alert my friend, Senator KENNEDY, that I call for the regular order with respect to the Coverdell amendment of last night. That was 3737. It was laid down. There was debate. It was held back, the Coverdell amendment.

Mr. President, I call for the regular order.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The amendment is now before the Senate.

(The text of amendment No. 3737 was printed in the RECORD of April 24, 1996.)

Mr. SIMPSON. Mr. President, I know of no other speakers on that amendment. I believe the managers are prepared to accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3737) was agreed to.

Mr. SIMPSON. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3739

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 3739.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second. There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment N0. 3739. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 20, nays 80, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—20

Baucus	Faircloth	Lott
Brown	Grassley	Reid
Bryan	Hollings	Roth
Burns	Jeffords	Shelby
Byrd	Johnston	Simpson
Cohen	Kassebaum	Thomas
Exon	Kyl	

NAYS—80

Abraham	Ford	McCain
Akaka	Frist	McConnell
Ashcroft	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Gregg	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Pell
Bumpers	Hatfield	Pressler
Campbell	Heflin	Pryor
Chafee	Helms	Robb
Coats	Hutchison	Rockefeller
Cochran	Inhofe	Santorum
Conrad	Inouye	Sarbanes
Coverdell	Kempthorne	Simon
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Lautenberg	Thompson
Dole	Leahy	Thurmond
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Feingold	Lugar	Wyden
Feinstein	Mack	

The amendment (No. 3739) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF CONFEREES—H.R. 3103

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate insist on its amendment to H.R. 3103, the Senate request a conference with the House, and that the Chair be authorized to appoint conferees on part of the Senate.

Mr. KENNEDY. Reserving the right to object, Mr. President, I ask unanimous consent that the request be modified to provide for the appointment of eight Republicans and six Democrats from the Committees on Labor and Human Resources and the Finance Committee instead of the 7 to 4 ratio proposed by the majority leader.

Mr. LOTT. Mr. President, let me clarify the situation. Let me ask for a clarification and the parliamentary situation.

Is the Senator from Massachusetts asking for a modification of my unanimous-consent request that you have appointments to this conference as he outlined just from the Labor Committee and the Finance Committee?

The PRESIDING OFFICER. That is the Chair's interpretation.

Mr. LOTT. I would be constrained to object to that modification of the unanimous-consent request.

Mr. KENNEDY. Then I object to the proposal of the Senator from Mississippi.

The PRESIDING OFFICER. Objection is heard to the unanimous-consent request by the assistant majority leader.

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

Mr. KENNEDY. Mr. President, point of order: There is obviously a quorum here, Mr. President.

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

Mr. LOTT. Mr. President, I object.

The PRESIDING OFFICER (Mr. CRAIG). Objection has been heard. The clerk will call the roll.

The assistant legislative clerk continued with the call of the roll.

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

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

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, we go on now to continue our work. I think most of us know the lay of the land and our colleagues listening would soon know.

I would withdraw my option to offer the next amendment, which is the pending business, with the understanding that Senator FEINSTEIN be recognized to offer an amendment regarding levels of immigration. And you might, I say to my colleagues, expect a motion to table on that particular amendment within the next 20 or 25 minutes.

I yield.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. And that is with the understanding that the time would be equally divided. Is that correct?

Mr. SIMPSON. That would be correct.

The PRESIDING OFFICER. The time would be equally divided between——

Mr. SIMPSON. The time would be equally divided.

Mrs. FEINSTEIN. How much time would we have?

The PRESIDING OFFICER. Is this a unanimous-consent request?

Mr. SIMPSON. Mr. President, it is not a unanimous-consent request. It was felt that the parties had resolved this and so it was presented on that basis. There was to be little debate, as I understood it, and I was told that there would be a motion to table within 20 or 25 minutes.

The PRESIDING OFFICER. It is the Chair's understanding there is no time agreement.

Mr. SIMPSON. Mr. President, that is correct. I think we will see it take place in its ephemeral form, somewhat obscure but nevertheless quite appropriate, I think.

AMENDMENT NO. 3740 TO AMENDMENT NO. 3725

(Purpose: To limit and improve the system for the admission of family-sponsored immigrants)

Mrs. FEINSTEIN. Mr. President, it is my understanding that we have 10 minutes on amendment 3740. I should like to take 5 minutes of that time and then have 5 minutes accorded to the Senator from Arizona.

The PRESIDING OFFICER. Will the Senator send the amendment to the desk.

Mrs. FEINSTEIN. I call up the amendment. The amendment is at the desk. The amendment is No. 3740.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 3740.

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

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

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

Mrs. FEINSTEIN. Mr. President, I will explain the amendment this way.

Essentially, the amendment is a compromise between the Simpson amendment and what is in the bill as a product of the Abraham-Kennedy amendment.

I believe we need to stop the pierceable cap, and my amendment would place a hard cap on family totals of 480,000, which is the current law, without the anticipated increase. It would stop the spillover from the unused employment visas, the loophole in the current system. And it would not close out the preference categories.

Under my family amendment, parents and adult children are guaranteed to receive visas every year, remaining consistent with the goal of family reunification. The amendment allocates visa numbers on a sliding scale basis for parents and adult children of citizens, allowing for increases in visas when the numbers fall within the unlimited immediate family category, always remaining within the hard cap of 480,000. It would allow a backlog clearance of spouse and minor children of permanent residents by allowing 75 percent of any visas left over within the family total to be allocated for this category's backlog clearance.

Now, to control chain migration, which Commissioner Doris Meissner told me is created by the Sibling of Citizens category, it places a moratorium on that category for 5 years, but if there are any visas left over with the hard cap of 480,000, the amendment would allow 25 percent of the leftover to be used for the backlog clearance of siblings, those who have been waiting for many, many years.

The point of this is that if we do not address this issue, the numbers swell 41 percent over what we were indicated they would be in committee to nearly a million. This creates the hard total of 480,000. It permits the sliding scale down the family preference, and it eliminates what is the chain migration concern that had been raised by many in committee.

I believe it is a modest amendment to control overall numbers. Coming from the State with the largest numbers, with the absence of classes for youngsters, with the cutbacks in welfare money, with the absence of adequate housing for people, we cannot keep taking 40 percent of the Nation's total of legal immigrants, of refugees, of asylees, and therefore I think this is a prudent, modest, fair compromise.

So, again, we would place a hard cap at the current law level, 480,000. We would close a loophole where unused employment visas spill over into the family immigration numbers, and we would guarantee that close family members of citizens get visas each year with flexible limits allowing an increase in the allocation of visas with decreases in the immediate family categories.

I retain the remainder of my time and yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is essentially the same amendment that we just disposed of. Once you maintain the cap that Senator FEINSTEIN does as well as Senator SIMPSON, you use up 472,000, which leaves 7,000 left over. Senator SIMPSON targeted those to the wives and children of permanent resident aliens. Senator FEINSTEIN spreads those out—adult unmarried citizens, adult children of citizens.

Quite frankly, I think we ought to be dealing with this in the legal immigration, but if you had to ask me I would rather put them in for the children and married members of permanent resident aliens. We are talking about 7,000 visas on this—7,000. That is the amount that will be available under this. So I really fail to see how this is very much more than sort of Simpson-like.

I reserve the remainder of the time.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I support the amendment offered by the Senator from California. It is a good-faith effort to try to respond to the critics of the SIMPSON amendment, and I think it does a very good job of doing that.

As Senator KENNEDY pointed out just now, however, it does retain the cap of 480,000, and this is what we are trying to say here today. You really cannot have it both ways. You cannot say that we are not increasing illegal immigration and then not do anything to achieve that goal, because under the bill as written, immigration is going to skyrocket. That is what the INS figures and formally reported by the San Diego Union paper said: 40 percent next year; 41 percent the year after that.

If we are willing to accept those large numbers, then we should be up front about that. But everyone who has supported the bill out of committee and opposed the Simpson amendment has inferred that we are really not going to increase numbers at all. The fact is, we would increase them.

Under both the Simpson and Feinstein amendment, we would have a cap. So that problem, the problem of, in effect, runaway numbers, is solved by this cap of 480,000. But at the same time, Senator FEINSTEIN is attempting to respond to the criticism that opponents of the Simpson amendment made, which is that all of the preference could be used up by the first category, theoretically, and you would never guarantee that some of the second, third and fourth preferences could be satisfied.

So what Senator FEINSTEIN has done is to say there will be certain slots left open for, for example, the grown children of citizens or siblings and, therefore, to the extent the 480,000 cap was not reached by the first preference, that the other preferences would each have a number—and it is not 7,000, the numbers would range between 35,000, 75,000, depending upon how many are available.

Just in conclusion, it seems to me this is a good-faith effort to deal with legitimate concerns that were raised, but, yes, it is also true that there is an absolute cap of 480,000, because the purpose here is twofold: to allow several different categories, each to have a number of slots to be made legal under our system, but at the same time draw an overall limit so that annually no more than 480,000 would be permitted to come in under this particular family category.

So I think the Feinstein amendment is a good compromise, and I urge my colleagues to support it.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to respond, if I might, to the argument raised by the Senator from Massachusetts. Using an Immigration and Naturalization Service document entitled ''Immigration and Backlog Reductions Under Current Law,'' and adding the three categories—spouses and children's space, spouses and children's change, an increase due to legalization through IRCA, here are the totals that we come up with: In fiscal year 1995, 206,000; in fiscal year 1996, 270,000; in fiscal year 1997, 370,000; in fiscal year 1998, 349,000. The highest year would be 1997, which leaves 110,000 even in 1997 to filter down through the categories.

I ask that the chart entitled ''Immigration and Backlog Reductions Under Current Law''—these are assumptions, so I recognize that depending on the assumptions that one uses, you can get different figures. These are the ones that, again, are a little different from what Senator KENNEDY is working on because they project this very large total at the bottom of 1 million in 1995, of 984,000 in 1996, of 600,000 in 1997. Those are the total numbers.

So I think if these come in to be the case, even in the most difficult year, there is 110,000 that would filter down through the remaining categories.

Mr. KENNEDY. If I could have a moment to respond.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. These various charts have been provided by the INS to me, as well as the other chart on which we have the numbers. I will put those that were provided by the INS in, and I refer the Senator, if she has these same charts—we do not have to take the time of the Senate. We will be glad to have a quorum or let others speak.

But it points out in 1997, there is 472,781. That is the immediate relative estimate, 472,000. If you have 472,000 and you have a cap at 480,000, it means you have 7,151 left over. The idea of representing to this body that we are going to spill some of those over into these categories is a stretch, I just say.

Those numbers, in fairness to the Senator, build over a period of time. There are still 40,000 in 1998; 86,000 in 1999. So those numbers still go up, but they still do not justify the kind of spilldown in the coverage that the Senator has explained.

It says 7,151 here, which was provided by the INS and 7,151. I will be glad to go into a quorum call to make sure we are not talking about different charts, but these were the ones provided by the INS. Whatever time—it is Senator ABRAHAM's time and Senator FEINGOLD's time.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I would appreciate being apprised of the circumstances with respect to time.

The PRESIDING OFFICER. There is no time limit or time designated. It was an approximate time.

Mr. ABRAHAM. I was not sure whether that had actually been formulated in a unanimous-consent agreement. If not, let me make a couple of quick points.

I do not think we want to extend the debate unnecessarily here, because the issues on this amendment are virtually identical to the issues that were on the floor in the context of Senator SIMPSON's amendment.

The fact is that this is almost the same amendment as Senator SIMPSON's amendment. As we heard, modest efforts are being made to apply some of these visas to, as I understand it, some of the other categories besides the children and spouses of permanent residents, but it is going to work out, as Senator KENNEDY has said, to a very, very few, just because those categories will consume such a high percentage of the visas that are going to be available under this very substantial amendment.

Second, the priorities, as I see them, that were established in the previous amendment are in this amendment as well. Once again, we see an overwhelming percentage of the immigration that will be legal under this amendment going not to the children of citizens of the United States, adult children or married children, but rather to the children of noncitizens, many of whom are, in fact, individuals who were once illegal aliens. It seems to me those priorities are not the appropriate ones that we should establish.

But I have to say, Mr. President, already just in the discussion that has happened in the first few minutes of this amendment, it is quite clear—we just received this amendment late this afternoon—the projections that are being made are hypothetical projections. There is confusion with respect to this amendment.

It is unclear to me, after studying it for the last hour or so, exactly what its effects will be. At least we had a little bit of time to look at the effects of the previous amendment. But from what I can tell, it would definitely cut overall family preference immigration by roughly 60 percent. It would cap and slash the immigration of parents of U.S. citizens. It would cut the immigration of adult children of U.S. citizens by over 60 percent. It would eliminate all immigration of siblings, basically. These are dramatic changes in the legal immigration laws of this country.

As I said with some frequency during the debate on the last amendment, Mr. President, they should be dealt with separately from the debate on illegal immigration. These are two very distinct issues with a very powerful and important impact on citizens of this country and their families.

We should deal in this bill with illegal immigration. We should maintain the split which was put together in the Judiciary Committee that divided these two. We should follow the lead of the House keeping legal immigration separate from illegal immigration.

Even if we were to consider legal immigration, I once again argue it should not be done in this type of piecemeal fashion, such weighty, complicated amendments brought in this fashion. It is impossible to even determine the potential impact of this amendment.

For those reasons, Mr. President, I urge the Senate to once again follow the lead of the last amendment, keep these issues separate, keep legal immigration separate from illegal immigration, pursue ahead today, and let us get a good illegal immigration bill through the Senate. I think it will address many of these problems. Then let us take the legal immigration bill that is at the desk, and then let us deal with that in a deliberative fashion here on the floor of the Senate. I think that is the way we should go.

This amendment is hardly different from the last one. It has the same priorities, has the same dramatic changes. I strongly oppose it.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, for those Members in the Chamber or those Members watching back in their offices, this is really the same vote that we just had. It is not substantially changed. The issues are essentially the same. I am not going to take the time of my colleagues to wade through this again. We had about 6 or 7 hours already today on very, very similar issues. It is essentially the same vote.

This bill still, I say with all due respect, is antifamily, is antifamily reunification. It flies in the face of the best traditions of our country as far as immigration policy is concerned. It mixes, unfortunately, the legal immigration issue and the illegal immigration issue. This is the illegal immigration bill. We should continue the tradition, and we should continue what the Judiciary Committee did, and that is to not mix the two.

This is the sheet that has been passed out. When you go through it, what you really find is that it is very, very similar to the previous amendment, very, very similar to the previous issue. It is true that some of these slots have been sprinkled down into some of the family groups, but effectively—effectively—it is very, very little. The essence then is that it is pretty much the same vote that we had a few minutes ago. I urge my colleagues again to reject the amendment.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. I agree with the comments of the Senators from Massachusetts, Michigan, and Ohio. We just had an overwhelming vote, that I think in large part reflected the will of this body, that the legal and illegal immigration issues have to be kept separate. I am sure there were a variety of concerns, as well, about the specifics of the previous amendment. But the overwhelming sentiment, I think, is that these issues have to be kept separate.

As indicated in the comments during that debate, that last vote was the vote on whether or not we should take up the legal immigration issues in this bill or not. The vote was very overwhelming.

The Senator from Massachusetts suggests that this amendment might be referred to as Simpson-like. I differ. I argue that it is more like perhaps ''Simpson, the sequel,'' because in both amendments you have this absolute cap. The consequence of that, I think, is very real for families that want to be reunited. In fact, there is an element of the Feinstein amendment that is even harsher.

As I understand, the amendment provides for a 5-year moratorium on siblings being able to come into the country and be reunited in this way. At least the Simpson amendment provided for a category, although, practically speaking, it was pretty clear we would never get to that.

I think anyone who thinks that this is somehow a major compromise or splitting the difference between current law and the Simpson amendment—I think that would be inaccurate. But the most important point is that because of this amendment, if we go this route, there will be families who are conducting themselves legally, who today could legally obtain a visa and will not obtain a visa. Those families will not be reunited. That is what will happen because of this amendment.

In the end, Mr. President, obviously, this is a legitimate debate. It is the kind of thing we should do out here, but we should do it at the right time. There is a legal immigration bill where this subject could be brought up and dealt with at the appropriate time to review this amendment.

So in light of the last vote, in light of the fact that this will have a real harsh consequence on many families conducting themselves legally, in light of the fact that this body clearly has indicated a desire to keep these issues separate, I urge that the amendment be rejected. Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GRAMM. Mr. President, I think we are ready to vote on this side. We thoroughly debated this issue. In fact, we debated it all day. This, in reality, is the same amendment we voted on before. It simply does the same thing in a different way. This amendment, in our opinion, is wrongheaded and wronghearted. It needs to be defeated. I hope we can maintain the 80 votes we had before. I hope everyone who voted against the previous amendment will vote exactly the same way they did for exactly the same reason. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I move to table the amendment of the Senator from California and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment No. 3740. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 74, nays 26, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—74

Abraham	Glenn	McConnell
Akaka	Gorton	Mikulski
Ashcroft	Graham	Moseley-Braun
Bennett	Gramm	Moynihan
Biden	Grams	Murkowski
Bingaman	Gregg	Murray
Bond	Harkin	Nickles
Bradley	Hatch	Pell
Bumpers	Hatfield	Pressler
Campbell	Hutchison	Pryor
Chafee	Inhofe	Robb
Coats	Inouye	Rockefeller
Cochran	Kempthorne	Santorum
Conrad	Kennedy	Sarbanes
Coverdell	Kerrey	Simon
Craig	Kerry	Smith
D'Amato	Kohl	Snowe
Daschle	Lautenberg	Specter
DeWine	Leahy	Stevens
Dodd	Levin	Thompson
Domenici	Lieberman	Thurmond
Dorgan	Lott	Warner
Feingold	Lugar	Wellstone
Ford	Mack	Wyden
Frist	McCain	

NAYS—26

Baucus	Exon	Kassebaum
Boxer	Faircloth	Kyl
Breaux	Feinstein	Nunn
Brown	Grassley	Reid
Bryan	Heflin	Roth
Burns	Helms	Shelby
Byrd	Hollings	Simpson
Cohen	Jeffords	Thomas
Dole	Johnston	

The motion to lay on the table the amendment (No. 3740) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

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

Mr. President, I yield to the Senator from West Virginia for a personal privilege.

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

Mr. ROCKEFELLER. I thank the Senator.

CHANGE OF VOTE

Mr. ROCKEFELLER. Mr. President, I seek unanimous consent to change my vote on rollcall No. 82 from yesterday, April 24, 1996. At the time of the vote, I did not realize it was a tabling motion. Had I realized that, I would have voted ''no'', not to table it. This vote change, if I get unanimous consent, in no way would change the outcome of the vote.

I, therefore, ask unanimous consent that the permanent RECORD be changed to reflect that I support the Dorgan amendment No. 3667 and that I oppose the motion to table the Dorgan amendment.

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

Mr. INOUYE. Mr. President, as the U.S. Senate continues to debate the illegal immigration reform legislation, I would like to make a brief statement on an issue of importance to the State of Hawaii and our Nation. Tourism is

the No. 1 industry in the State of Hawaii. The State has expressed an interest in extending the current Visa Waiver Pilot Program to other Asian countries, particularly the Republic of Korea. The current Visa Waiver Pilot Program covers only three countries in the Asia-Pacific region: Japan, New Zealand, and Brunei. New Zealand, Canada, and Guam all have visa waiver agreements with Korea. Since implementing visa waiver agreements with Korea, arrivals increased in the first year by 285 percent to New Zealand, 96 percent to Canada, and 147 percent to Guam. In 1995, the State of Hawaii wecomed over 120,000 visitors from Korea, and the State is anxious to see future growth in visitors from this important emerging market.

Travel and tourism also play a major role in reducing the United States unfavorable balance of trade. There is an increasing demand by citizens of the Republic of Korea to visit the United States. In fiscal year 1994, 320,747 nonimmigrant visas were issued to Korean travelers. In fiscal year 1995, 394,044 nonimmigrants visas were issued to Korean travelers. Of this amount, 320,120 were tourist visas.

The Republic of Korea is not eligible to participate in the current Visa Waiver Pilot Program. On March 14, 1996, I, along with Senators MURKOWSKI, AKAKA, and STEVENS, introduced S. 1616, legislation that would establish a 3-year Visa Waiver Pilot Program for Korean nationals who are traveling in tour groups to the United States. Under the program, selected travel agencies in Korea would be allowed to issue temporary travel permits. The applicants would be required to meet the same prerequisites imposed by the U.S. Embassy.

The pilot legislation also includes additional restrictions to help deter the possibility of illegal immigration. These are:

The stay in the United States is no more than 15 days.

The visitor poses no threat to the welfare, health, and safety, or security of the United States.

The visitor possesses a round-trip ticket.

The visitor who is deemed inadmissible or deportable by an immirgation officer would be returned to Korea by the transportation carrier.

Tour operators will be required to post a $200,000 performance bond with the Secretary of State, and will be penalized if a visitor fails to return on schedule.

Tour operators will be required to provide written certification of the on-time return of each visitor within the tour group.

The Secretary of State and the Attorney General can terminate the pilot program should the overstay rate exceed 2 percent.

Accordingly, I urge Senators SIMPSON and KENNEDY to schedule a hearing on this proposal. I also encourage my colleagues to cosponsor S. 1616.

Mr. MURKOWSKI. Mr. President, during today's debate on S. 1664, I wanted to take the opportunity to speak on a bill I have cosponsored, the Korea visa waiver pilot project legislation, S. 1616. While this legislation is not being offered as an amendment to S. 1664, the subject of the bill is relevant to today's debate.

I would urge all Senators to consider cosponsoring this legislation, and I would hope that the Senate Subcommittee on Immigration of the Senate Judiciary Committee will hold hearings on the problems of visa issuance for Koreans, and the partial solution offered by S. 1616.

I have worked closely with Senators INOUYE, AKAKA, and STEVENS on this legislation. This bill addresses the problem of the slow issuance of United States tourist visas to Korean citizens, and their, too often, subsequent decision not to vacation in the United States, including Alaska even though there are direct flights available for tourists from Korea to Alaska. The United States Chamber of Commerce in Korea has made resolving this issue a top priority on their agenda.

The main problem is that Koreans typically wait 2 to 3 weeks to obtain visas from the United States Embassy in Seoul. As a result, these spontaneous travelers decide to go to one of the other 48 nations that allow them to travel to their country without a visa, including both Canada and New Zealand.

This bill provides the legal basis for a carefully controlled pilot program for visa free travel by Koreans to the United States. The program seeks to capture the Korean tourism market lost due to the cumbersome visa system. For example, in 1994, 296,706 nonimmigrant United States visas were granted to Koreans of which 7,000 came to Alaska. It is predicted that there would be a 500- to 700-percent increase in Korean tourism to Alaska with the visa waiver pilot project. In New Zealand, for example, a 700-percent increase in tourism from Korea occurred after they dropped the visa requirement.

This pilot program allows visitors in a tour group from South Korea to travel to the United States without a visa. However, it does not compromise the security standards of the United States. The program would allow selected travel agencies in Korea to issue temporary travel permits based on applicants meeting the same preset standards used by the United States Embassy in Seoul. The travel permits could only be used for supervised group tours.

Many restrictions are included in the legislation for the pilot proposal.

The Attorney General and Secretary of State can terminate the program if the overstay rates in the program are 2 percent.

The stay of the visitors is less than or equal to 15 days.

The visitors have to have a round-trip ticket, in addition, the visitors have to arrive by a carrier that agrees to take them back if they are deemed inadmissible.

We recommend to the Secretary of State to institute a bonding and licensing requirement that each participating travel agency post a substantial performance bond and pay a financial penalty if a tourist fails to return on schedule.

The on-time return of each tourist in the group would be certified after each tour.

Security checks are done to ensure that the visitor is not a safety threat to the United States.

This legislation's restrictions ensure that the pilot program will be a successful program. Again, I urge my colleagues to support and cosponsor this legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I move to table the motion to recommit and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE THE MOTION TO RECOMMIT

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to recommit.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—53

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	

NAYS—47

Akaka	Breaux	Dodd
Baucus	Bryan	Dorgan
Biden	Bumpers	Exon
Bingaman	Byrd	Feingold
Boxer	Conrad	Feinstein
Bradley	Daschle	Ford

Glenn	Kohl	Pell
Graham	Lautenberg	Pryor
Harkin	Leahy	Reid
Heflin	Levin	Robb
Hollings	Lieberman	Rockefeller
Inouye	Mikulski	Sarbanes
Johnston	Moseley-Braun	Simon
Kennedy	Moynihan	Wellstone
Kerrey	Murray	Wyden
Kerry	Nunn	

So the motion to lay on the table the motion to recommit was agreed to.

Mr. DOLE. Let me indicate to my colleagues that it will probably be fairly late. We will have a series of votes here. I will try to reduce the votes from three to one. That may be objected to. If not, there will be three votes. That will be followed by the appropriations bill that is here from the House.

I am not certain how much debate we will have. It is a $160 billion package. I assume there will be considerable debate. We are probably looking at 12 o'clock, somewhere in there.

Having said that, I now ask unanimous consent that it be in order for me to move to table en bloc, which would save time, amendments numbered 3669, 3670, and 3671. I ask for the yeas and nays.

Mr. KENNEDY. Mr. President, reserving the right to object, we inquire from the majority leader whether there is any willingness to set a time for the minimum wage debate so that we could have an up or down vote and the leader could have an up or down vote so we could avoid all of this parliamentary business.

Mr. DOLE. Let me indicate to my colleague from Massachusetts—and I have discussed this briefly with him and with the Democratic leader. I have asked Senator LOTT to discuss it further with the Democratic leader.

We made a proposal—as I understand, it has been objected to—that we would take it up not before June 4 but not later than June 28, and other provisions, but we understood that would not be agreed to. It is not that we have not tried. We will continue to work with the Democratic leader and the Senator from Massachusetts.

I would like to pass the immigration bill. It seems to me that immigration, particularly illegal immigration, is a very, very important issue in this country. It has broad bipartisan support. The minimum wage, whatever its merits may be, does not belong on this bill. We waited 3 years into the Clinton administration for anybody to even mention minimum wage. At least, the President never mentioned minimum wage.

Since the action on the Senate floor, the President has mentioned, I guess this year, minimum wage 50-some times—not once the previous 3 years. So, it is not too difficult to understand the motivation.

Having said that, we are prepared to try to work out some accommodation with my colleagues on the other side, and we hope that we can save some time. These are going to be party line votes. There will be three of them. We could have three votes or we could have one vote, whatever my colleagues would like to have.

Mr. KENNEDY. Further reserving the right to object, it is my understanding the proposal that was made was not an up or down vote and clean vote on the issue of the minimum wage. That was not the proposal that was made. That is what we are asking for. That is what we are asking for. I would also say that we have had some 2½ hours of quorum calls today. All we are asking for is a short time period for an up-or-down vote and for the majority leader's proposal on this, and a reasonable timeframe. If we are not given that kind of an opportunity—we have gone, for three and a half or 4 days, through various gymnastics to try to avoid a vote on the minimum wage, and now we are asked to truncate what has been done in order to avoid the vote on the minimum wage. So I object.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 3669

Mr. DOLE. Mr. President, I now move to table amendment No. 3669 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. I will yield for a question. I do not want to frustrate the Democratic leader.

The PRESIDING OFFICER. Debate is not in order.

Mr. DASCHLE. Mr. President, I ask unanimous consent to speak for 1 minute.

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

Mr. DASCHLE. I do not want to delay the vote. I know everybody wants to move on. This issue has two pieces to it. The first is the one the Senator from Massachusetts described, relating to our determination to get a vote on the minimum wage. The other is the opportunity we want to be able to offer amendments. A tree was constructed, parliamentarily, to deny Democrats the opportunity to offer these amendments. That is really what this whole arrangement has been all about—denying Democrats the opportunity to offer amendments. We hope that we can accommodate a way with which to deal with Democratic amendments, and it is only through this process that we are going to be able to do that.

So I am sorry that Senators are inconvenienced, but there is no other way, short of an agreement on amendments, that we are going to be able to resolve this matter.

Mr. McCAIN. Regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1]

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Pell
Bryan	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Reid
Byrd	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Jeffords	Shelby
Conrad	Johnston	Simon
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Smith
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Dole	Kyl	Thompson
Domenici	Leahy	Thurmond
Dorgan	Levin	Warner
Exon	Lieberman	Wellstone
Faircloth	Lott	Wyden

The PRESIDING OFFICER. The rollcall has been completed and a quorum is present.

AMENDMENT NO. 3669

The PRESIDING OFFICER. The clerk will call the roll on the motion to table.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. LAUTENBERG] is necessarily absent.

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—53

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	

NAYS—46

Akaka	Bryan	Exon
Baucus	Bumpers	Feingold
Biden	Byrd	Feinstein
Bingaman	Conrad	Ford
Boxer	Daschle	Glenn
Bradley	Dodd	Graham
Breaux	Dorgan	Harkin

Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NOT VOTING—1

Lautenberg

So the motion to lay on the table the amendment (No. 3669) was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I now ask it be in order for me to table en bloc amendments Nos. 3670 and 3671, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. We object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 3670

Mr. DOLE. I now move to table amendment No. 3670 and ask for yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I ask unanimous consent the vote be limited to 10 minutes.

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

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

The motion to lay on the table the amendment (No. 3670) was agreed to.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 3671

Mr. DOLE. Mr. President, I move to table amendment No. 3671 and ask for the yeas and nays. I ask unanimous consent that the vote be 10 minutes.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 3671

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NOT VOTING—1

McCain

So the motion to lay on the table the amendment (No. 3671) was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, we still have just a couple of items to do with reference to the pending legislation. But I have had a discussion with the distinguished Democratic leader. We would like to move now to the conference report, then following the vote on the conference report go back and complete action on the pending measure.

1996 BALANCED BUDGET DOWNPAYMENT ACT—CONFERENCE REPORT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report to accompany H.R. 3019, the omnibus appropriations bill, with the reading having been waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3019), a bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

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

(The conference report is printed in the House proceedings of the RECORD of April 24, 1996.)

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, maybe just for 1 minute the chairman and the distinguished Senator from West Virginia might give us a summary of the bill. This will be the last vote of the day.

There will be a vote on Monday, late Monday on cloture.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent that we make it 2 minutes for a brief outline.

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

Mr. HATFIELD. Mr. President, let me, first of all, assure the body that the leadership of this committee will be here on the floor following the vote to engage in any colloquy required or asked for or to answer any questions.

Basically, this is where we are. Seven months into the fiscal year we are completing 5 of the 13 appropriations bills, totalling $162 billion in nondefense discretionary funds.

This covers the Labor-HHS, Commerce, State, Justice, HUD and related agencies, Interior, and the District of Columbia. I want to say that we have accomplished this by a very strong bipartisan effort on the part of both the House and the Senate and the White House.

Leon Panetta, representing the White House, and DAVID OBEY and Chairman LIVINGSTON from the House, Senator BYRD and myself from the Senate were the five principals, with staff assisting us, and we resolved seven riders relating to environmental issues and to the other riders that were very controversial: population control, HIV, repeal of the military, and the abortion package relating to certification.

We had the opportunity to engage in having the administration and executive branch help offset the add-backs

that were requested by the administration. We added $4.2 billion totally offset the $8 billion that they had asked for as add-backs. We took a .00009 percent reduction across the board on all travel accounts in the executive branch of Government, which was about $350 million offset—some of those matters that we had on some of the add-backs for the administration.

This is a compromise bill, and it is one that has been crafted in the best condition and under the best circumstance that we function under.

I ask further, Mr. President, for the same amount of time to be allocated to the ranking minority member of the committee. Senator BYRD and his staff were an absolutely key and integral part of being able to bring this bill to the floor. I want to thank him and his staff very much for that cooperation.

Mr. BYRD. Mr. President, I thank the very distinguished senior Senator from Oregon, the chairman of the committee. I thank him for his work. I thank him for his cooperation and his friendship.

I intend to vote for the continuing resolution.

Mr. President, enactment of the thirteen Fiscal Year 1996 Appropriations Bills has been a long and arduous process. As Senators are aware, the departments and agencies funded under five FY 1996 Appropriations Bills are presently operating under a one day Continuing Resolution (the thirteenth continuing resolution this year). That continuing resolution expires at midnight tonight. Further continuing resolutions will not be necessary for FY 1996 if the Senate adopts the pending measure and if it is signed into law by the President by midnight tonight.

Title I of this Conference Agreement contains the Fiscal Year 1996 appropriations for the following appropriations subcommittees: Commerce, Justice, State; D.C.; Interior; Labor-HHS; and VA–HUD. In addition, Title II includes emergency and supplemental appropriations totaling $2.125 billion. Contained in that amount are funds for emergency disaster assistance payments to States and communities throughout the nation which have suffered devastation from floods, tornadoes, and other natural disasters. These amounts are fully paid for by rescissions and other offsets contained in Title III of the measure.

In total, H.R. 3019 provides net spending totaling $159.4 billion. This is $794 million in greater spending than the Senate-passed bill. However, the Conference Agreement also contains $2.1 billion more in spending cuts than the Senate-passed bill. These additional spending reductions were necessary in order to fully offset the emergency appropriations contained in the measure, as well as the additional spending agreed to in conference.

The bill before the Senate restores $5.1 billion for education and training, national service, law enforcement, technology, and other key priorities of Congress and the Administration. This amounts to well over half of the President's requested $8.1 billion increase. Among the major provisions contained in the bill are the following:

For Labor/HHS/Education, the conference agreement provides for increases of nearly $3 billion for key programs including: $195 million more for Goals 2000 (for a total of $350 million); $953 million more for Title I—Education for the Disadvantaged (total of $7.2 billion); $266 million more for Safe and Drug-Free Schools (total of $466 million); $71 million more for School-to-Work at the Education Department (total of $180 million), and $61 million more for School-to-Work at the Labor Department (total of $170 million); $625 million more for Summer Jobs for Youth (total of $625 million); $233 million more for Dislocated Worker Assistance (total of $1.1 billion); and $169 million more for Head Start (total of $3.6 billion).

For VA/HUD the bill provides $1.6 billion more for key programs in this part of the bill, out of the President's request for $2.5 billion, including: $387 million more for national service (total of $402 million); $45 million more for Community Development Financial Institutions (total of $45 million); and $817 million for the EPA budget, including: $465 million more for Water Programs (total of $1.8 billion); $40 million more for EPA enforcement (total of $231 million); $150 million more for Superfund (total of $1.3 billion).

For Commerce/Justice/State the bill provides increases for key programs including: $1.4 billion for the ''COPS'' program, together with conference report language which stipulates that Congress is committed to deploying 100,000 police officers across the nation by the year 2000; $503 million for a new local law enforcement block grant; $403 million for a new state prison grant program; and $221 million more for the Advanced Technology Program (total of $221 million).

Finally, as members are aware, there were a number of controversial legislative riders which had to be addressed in this conference. To their great credit, the Chairmen of the Appropriations Committees, my distinguished colleague from Oregon [Mr. HATFIELD] and the distinguished gentleman from Louisiana, [Mr. LIVINGSTON], after devoting many long hours to these issues, were able to conclude them in a way that addressed the concerns of members of the House and Senate, but also met the concerns of the President in a way that will enable this measure to be signed into law. Without addressing each of these controversial riders, suffice it to say that a number were dropped, others were left in the agreement but with waiver authority provided to the President, and still others were modified sufficiently to achieve agreement on all sides.

I commend the Chairmen and Ranking Members of all of the Subcommittees involved in this conference, as well as the excellent work of all of the staff. I particularly want to recognize the outstanding efforts of the Chairman of the Senate Appropriations Committee, Mr. HATFIELD. As Chairman of the Conference, he carried out his responsibilities with great patience and aplomb, which are characteristic of my good friend from Oregon. I appreciate your efforts, Senator HATFIELD, and I congratulate you on the successful completion of this very difficult conference. I am hopeful that all Senators will vote to adopt H.R. 3019 and that later today it will receive the President's signature. At that point, we will have completed the most difficult and trying appropriations cycle for any fiscal year that I can recall in my years of service in the U.S. Senate. I look forward to working with the distinguished Chairman of the Committee on the upcoming FY 1997 Appropriations Bills and I pledge to him my total cooperation in hopes that we can avoid many of the difficulties we have had to overcome in fiscal year 1996. Mr. President, I ask that a more complete statement be inserted in the RECORD at this point.

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

COMMERCE, JUSTICE, STATE

The conference agreement includes $1.4 billion for the Community Oriented Policing Services program or the ''COPS'' program as it is commonly known. This is $100 million above fiscal year 1995, $1.4 billion above the level included in H.R. 2076, the Commerce, Justice and State bill that the President vetoed last December. The conference report reiterates, for the first time since the Republicans won a majority in the House and Senate, that the Congress remains committed to deploying one hundred thousand additional police officers on the beat across America by the year 2000.

The conference agreement also provides $503 million for a new local law enforcement block grant. This program is intended to meet other law enforcement needs that communities may have, such as equipment.

On another crime issue, the conference report includes $403 million for a new State prison grant program, sometimes called ''Truth in Sentencing.'' This program, which will provide grants to States to build or renovate or expand prisons.

The conference agreement provides $221 million for the Commerce Department's Advanced Technology Program. This is $221 million above the vetoed CJS bill, H.R. 2076, but is still about $210 million below the level enacted for the ATP program in fiscal year 1995. These funds will be principally used to pay for continuation of ATP awards made in fiscal year 1995 and prior years. The ATP program provides for cost-shared R&D projects with industry to help bring leading edge technologies from the drawing board to the market place. This was a high priority for the President and the Secretary of Commerce in these negotiations. I should note, that the late Secretary of Commerce, Ron Brown was a major advocate of this program.

The conference agreement includes $1.254 billion for Department of State international organizations and conferences. For the most part this represents assessed contributions to the United Nations and other international organizations, for example the World Health Organization and Organization

of American States, and for United Nations Peacekeeping. The conference agreement represents an increase of $326 million above the vetoed CJS bill, H.R. 2076.

The agreement waives Section 15a of the State Department basic authorities Act, so the State Department can continue to obligate appropriations even in the absence of a fiscal year 1996 authorization.

Finally, the Conference Agreement includes $100 million for the Small Business Administration (SBA) disaster loan program. This will replenish SBA's funds and enable the agency to respond to future disasters. Further, the Conference Agreement also includes $18 million for Economic Development Administration (EDA) within the Commerce Department. This funding, which requires a certification and request by the President, provides for emergency repairs of facilities that were damaged by flooding in the Northwest and provides for mitigation of flooding at Devil's Lake, North Dakota, as well as other disasters.

DISTRICT OF COLUMBIA

With regard to the District of Columbia, the annual Federal payment to the District of Columbia was provided to the District of Columbia government in earlier continuing resolutions. This bill provides for the appropriations for programs, projects, and activities in the District of Columbia budget. The bill also includes a number of legislative provisions designed to improve the quality of education in the District of Columbia public school system.

Among the provisions are several which I authored which are intended to improve order and discipline in the D.C. public school system. These include: a dress code which shall include a prohibition of gang membership symbols and which may include a requirement that students wear uniforms; a requirement that any students suspended from classes should perform community service during the period of suspension; and the placement of the Chief of the National Guard Bureau, who manages a number of programs for at-risk youth, on the Commission on Consensus Reform in the District of Columbia Public Schools.

DEFENSE

The conferees agreed to provide $820 million of costs of on-going operations in Bosnia. The amounts have been designated an emergency, as recommended by the House. However, the full amount included is offset by recommended rescissions from existing defense resources.

The amount included for Bosnia operations represents the second phase of financing for the Defense Department portion of the costs. Previously, the Committees on Appropriations have approved a reprogramming to cover an additional $875 million of the funding requirement. Congress is expected to consider additional reprogrammings to cover the remaining balance which is estimated to be around $640 million for the remainder of this fiscal year.

The conferees agreed to a Senate proposal to repeal Section 1177 of title 10 which would have required the mandatory discharge or retirement of members of the Armed Forces infected with the HIV–1 virus.

As proposed by the Senate, the conferees agree to authorize the Air Force to award a multiyear procurement contract for the C–17 program. The conferees direct that savings from this contract must exceed those of current proposal under consideration by the Air Force.

In addition, the conference agreement includes several technical corrections, and clarifies guidance offered in the FY 1996 DoD Appropriations Act. To more closely track authorization recommendations of the Congress, the conferees have added $44.9 million for continued B–52 operations, and $50 million for SEMATECH. All funding recommended in the Defense Chapter is fully offset by proposed rescissions of $994.9 million from classified programs and savings from lower inflation.

ENERGY AND WATER DEVELOPMENT

For programs and activities under the jurisdiction of the Subcommittee on Energy and Water Development, the Conference Agreement includes $135 million, the same as the budget request and the amount proposed by the House and Senate, for the Corps of Engineers to damages to non-Federal levies and other flood control works in states affected by recent natural disasters, and to replenish funds transferred from other accounts for emergency work, under Public Law 84–99.

In addition, the Agreement includes $30 million, the same as the budget request, for repair of Corps of Engineers projects caused by severe flooding in the Northeast and Northwest.

For the Bureau of Reclamation, an amount of $9 million is included for emergency repairs as Folsom Dam in California.

An amount of $15 million is provided for the Department of Energy to accelerate activities in the Materials Protection, Control and Accounting program, to improve facilities and institute national standards to secure stockpiles of weapons usable fissile materials in Russia, and the Newly Independent States. No similar provision was included in the House bill, the Senate bill, or the budget request.

In addition, the conference agreement also includes several provisions dealing with the transfer of funds for the Western Area Power Administration, an item under the Federal Energy Regulatory Commission's jurisdiction involving the Flint Creek Project in Montana, additional language involving appropriations for the Upper Mississippi River and Illinois Waterway navigation study, and language regarding refinancing of the Bonneville Power Administration debt.

Finally, the conference agreement includes language contained in the Senate bill authorizing the Board of Directors of the United States Enrichment Corporation to transfer the interest of the United States in the Corporation to the private sector.

FOREIGN OPERATIONS

Title II of the Conference Report contains two provisions under the heading Foreign Operations, Export Financing, and Related Programs.

The first provides $50 million for emergency expenses necessary to meet unanticipated needs for the acquisition and eradication of terrorism in and around Israel. The conferees agreed that the fragility of the Middle East peace process warranted this extraordinary action. This emergency appropriation is fully offset.

The second provides $70 million, also fully offset, for grant Foreign Military Financing for Jordan in recognition of its central role in the search for peace in the Middle East. These funds are to be used to finance transfers by lease of 16 F–16 fighter aircraft to the Government of Jordan. In recognition of the downsizing of the U.S. defense industry and the loss of jobs this is causing, the conferees directed that the Department of Defense give priority consideration to American defense firms in awarding contracts for upgrades and other major improvements to these aircraft prior to delivery.

INTERIOR

Mr. President, the Interior portion of this omnibus bill finally brings to closure action on the Interior bill. As many Senators know, the Interior bill went to conference three different times, only to be vetoed by the President. In response to the concerns raised by the Administration, this bill has made significant changes, particularly with respect to the legislative language. These items were among the most contentious items in the conference on H.R. 3019 and were among the last items to be resolved.

With regard to the Tongass National Forest, the language follows closely the provisions proposed by the Senate regarding the land management plan and alternative P, as well as the contested timber sales under a recent lawsuit (AWARTA). However, these provisions may be waived by the President pursuant to the terms of this legislation. The language clarifies that the AWARTA provisions in section 325(b) shall have no effect during a suspension. To assist with the economic impacts of a declining timber sales program on the Tongass National Forest, a disaster assistance fund of $110 million is established.

Language from earlier conferences about the management of the Mojave National Preserve and the endangered species moratorium has been modified to address concerns expressed by the Administration. However, in the event the President believes such improvements do not allow for adequate protection of the resource, a waiver is provided wherein these provisions can be suspended.

Language about the Columbia Basin ecosystem project has been deleted and instead, language is included which clarifies that this project does not apply to non-Federal lands and will not provide the basis for any regulation of private property.

Because of concerns expressed by the Administration, the timber provisions that provided authority for substitution of alternative timber sales or buyout of timber sales are deleted.

Language, and funding of $3 million, is extended to the Smithsonian Institution to conduct another round of employee buy-outs between enactment of this legislation and October 1, 1996.

In total, the Interior bill ends up being funded at a level $1.2 billion below the fiscal year 1995 enacted level. There are very real spending cuts in this legislation—many agencies have already begun reducing programs and downsizing their workforces. Some reductions in force have occurred, but further drastic actions should be avoided as a result of completion of this legislation.

With respect to funding, the Interior portion of this bill seeks to protect the operating base budgets for the land management agencies. Additional funding of $25 million each for the Bureau of Indian Affairs and the Indian Health Service is included above earlier conference levels. Funding for the Payments in Lieu of Taxes (PILT) program is increased $12 million above the earlier conference agreement. A total of $4 million is provided to the Fish and Wildlife Service to handle the emergency listings allowed by the act, or to address program requirements in the event a waiver is issued.

In addition, this bill provides funding of $245.3 million for natural disaster recovery efforts, stemming from flooding earlier this year in the East and Pacific Northwest, as well as other disasters in other regions of the country.

LABOR, HEALTH, AND EDUCATION

I am pleased that an agreement has finally been reached on the funding levels for the Labor, HHS programs, and that the most controversial legislative riders have been dropped or substantially modified.

The conference agreement closely follows the Senate bill providing overall funding at $64.6 billion. This is $206 million over the

Senate bill and $2.6 billion above the House bill. Moreover, the agreement is fully $3.8 billion over the original House-passed Labor, HHS bill, H.R. 2127. Nonetheless, critical health, education and job training programs sustained cuts of $2.6 billion or 4% below the fiscal year 1994 funding level. Certain programs, such as the Low Income Home Energy Assistance program which was slashed by 30%, were cut much deeper than the overall spending reduction.

I am also pleased that it was bi-partisan cooperation in the Senate which resulted in the overwhelming vote, 84–16, for passage of the Specter-Harkin education restoration amendment. This amendment restored $2.7 billion to high priority education programs including Title I grants to school districts with large numbers of poor children, and the Goals 2000 program which funds state-wide public school improvement initiatives. The conference agreement includes education restorations which slightly exceed the funding level in the Senate bi-partisan amendment.

There are a number of programs important to me and the state of West Virginia which were terminated by the original House Labor, HHS bill but which were restored in the Senate bill and the conference committee. These include black lung clinics, the Byrd Scholarship program, and full funding for staffing the new, state-of-the-art NIOSH facility in Morgantown.

Included in the bill is the termination of over 110 programs viewed by the conferees as having met their objectives, being duplicative of other programs, or having low priority. Protected are high priority programs, such as, medical research, student aid, compensatory education for the disadvantaged, and summer youth jobs. The bill's highlights include the following:

$625 Million for the 1996 Summer Youth Employment Program of the Department of Labor. The House bill had terminated this program.

$1.1 billion for the Dislocated Worker Retraining program, bringing the total $233 million above the House bill.

$350 Million for the School to Work program, jointly administered by the Departments of Labor and Education, an increase of $105 million from the 1995 appropriated level.

$11.9 billion for medical research supported by the National Institutes of Health. This is an increase of $654 million over 1995, or 5.8 percent.

$738 million for the Ryan White AIDS programs. This is an increase of $105 million over 1995. Within the total is $52 million specifically set aside for the AIDS drugs reimbursement program. These additional funds will enable states to better meet the growing cost and demand for new AIDS drugs.

$93 million to continue the Healthy Start program. This is $43 million above the original level passed by the House.

$3.57 billion for the Head Start program. This is $36 million above 1995.

$350 million for the GOALS 2000 Educate America Act program. The House bill had terminated funding for this program.

$7.2 billion for the Title I, Compensatory Education for the Disadvantaged program. This is the same as the 1995 level and nearly $1 billion more than the House bill.

$466 million for the Drug Free Schools program. This is $266 million above the House bill.

$78 million for education technology programs which assist schools in expanding the availability of technology enhanced curricula and instruction to improve educational services. This is $23 million above 1995.

$973 million for Vocational Education Basis Grants. This is the same as the 1995 level and $83 million over the House bill.

$93 million to recapitalize the Perkins Loan student aid program. The House had proposed no funding for this purpose.

$32 million for the State Student Incentive Grant program. The House bill had proposed terminating funding for this program.

The bill also raises the maximum Pell Grant to $2,470. This is an increase of $130 in the maximum grant and is the highest maximum grant ever provided.

As Senators know, the House included many legislative riders in its version of the FY 1996 Labor-HHS appropriations bill. Disposition of some of these provisions occurred as follows:

1. OSHA—Ergonomics Rider: House Recedes to the Senate language that was included in last year's rescission bill prohibiting OSHA from promulgating an ergonomic standard or guideline. The language is modified to include the reference in the House language ''directly or through section 23(g) of the Occupational Safety and Health Act.''

2. NLRB—Single Site Bargaining Units: Senate Recedes to language proposed by the House to prohibit the Board from using funds in FY'96 to promulgate a rule regarding single location bargaining units in representation cases.

3. Direct Lending: House recedes to the Senate with no cap on loan volume, but a cap on administrative costs. This saves $114 million by reducing the amounts available for administrative costs from $550 million to $436.

4. Female Genital Mutilation: The agreement modifies the Senate amendment to include the language requiring the Secretary of HHS to collect data, conduct surveillance, and develop outreach, prevention and education programs regarding female genital mutilation, both for the general public and the medical community. However, the agreement does not establish new federal criminal penalties.

5. Abortion: The agreement adopts the Senate position on the abortion riders in the bill, including the ''Hyde'' language prohibiting the use of federal funds for abortions, except in the cases of rape or incest, or for the life of the mother. Also included is the ''Coats/Snowe'' amendment related to the accreditation of OBGYN training programs.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

The conference agreement deletes the appropriations cap of $1,406,000 for Customs Service Small Airports to permit the Customs Service to fund requests for user fee airports through full reimbursement from requesting airports.

The conferees also added a new general provision requiring the Internal Revenue Service to provide a level of taxpayer service in fiscal year 1996 not below that provided in fiscal year 1995.

In addition, the conference agreement adds a new general provision to provide $1 million to the Office of National Drug Control Policy to fund conferences on model state drug laws through funding made available in fiscal year 1996 for the Counter-Drug Technology Assessment Center. The bill also includes a supplemental appropriation of $3,400,000 for the Office of National Drug Control Policy. This supplemental funding will permit the new Director of ONDCP, General McCaffrey, to hire and retain an additional 80 FTEs bringing the total number of FTE for this Office to 125 in fiscal year 1996. This supplemental funding has been fully offset through rescissions in the General Services Administration, installment acquisition payments account ($−3.5 million).

The conference agreement also includes a section proposed by the Senate to increase the number of appointees to the Commission on Restructuring the IRS by 4, bringing the number of members of the Commission up to a new level of 17. This provision permits the Majority Leader of the Senate and the Speaker of the House to each name 4 members to the Commission instead of 2 each as provided in current law.

VA–HUD-INDEPENDENT AGENCIES

The final conference agreement maintains, and even strengthens, the bipartisan agreement passed overwhelmingly by the Senate restoring funding cuts in environmental programs. The final package includes an additional $817 million over the amounts in the vetoed VA–HUD bill for Environmental Protection Agency programs.

The VA–HUD chapter also includes increased funding for science and technology programs, including an additional $83,000,000 for the National Aeronautic and Space Administration (NASA) and $40,000,000 for the National Science Foundation.

The final conference agreement deletes two controversial riders proposed in the original bill, including: (1) language which would have taken away EPA's ability to overrule Corps of Engineers decisions on wetlands, and (2) language which would have transferred oversight of Fair Housing from HUD to the Department of Justice.

Mr. BYRD. Mr. President, I thank all Senators.

Mr. DOLE. Mr. President, let me just clarify, following the vote we will finish the action on the immigration matter. We will then come back, and it will be all the time anybody needs for colloquy, debate, or any other question they may want to ask either Senator BYRD or Senator HATFIELD on the large appropriations bill.

Mr. WARNER. That would include matters which are cleared on both sides.

Mr. DOLE. Yes.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—88

Abraham	Dole	Kohl
Akaka	Domenici	Lautenberg
Baucus	Dorgan	Leahy
Bennett	Exon	Levin
Biden	Feingold	Lieberman
Bingaman	Feinstein	Lott
Bond	Ford	Lugar
Boxer	Frist	Mack
Bradley	Glenn	McConnell
Breaux	Gorton	Mikulski
Bryan	Graham	Moseley-Braun
Bumpers	Grams	Moynihan
Burns	Gregg	Murray
Byrd	Harkin	Nickles
Campbell	Hatch	Nunn
Chafee	Hatfield	Pell
Coats	Heflin	Pressler
Cochran	Hollings	Pryor
Cohen	Inouye	Reid
Conrad	Jeffords	Robb
Coverdell	Johnston	Rockefeller
Craig	Kassebaum	Roth
D'Amato	Kempthorne	Santorum
Daschle	Kennedy	Sarbanes
DeWine	Kerrey	Shelby
Dodd	Kerry	Simon

Simpson	Thomas	Wellstone
Snowe	Thompson	Wyden
Specter	Thurmond	
Stevens	Warner	

NAYS—11

Ashcroft	Grassley	Kyl
Brown	Helms	Murkowski
Faircloth	Hutchison	Smith
Gramm	Inhofe	

NOT VOTING—1

McCain

So the conference report was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. DOLE. I think now we can complete action on the other and turn it over to the chairman of the Appropriations Committee and anybody else who wishes to speak.

I will start where we left off.

For the information of all Senators, pending before the Senate is 1664, as reported by the Judiciary Committee.

I now ask unanimous consent that all remaining amendments to the immigration bill be relevant.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 3743

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. SIMPSON, proposes an amendment numbered 3743.

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

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

The amendment is as follows:

[Amendment No. 3743 is located in todays RECORD under ''Amendments Submitted.'']

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3744 TO AMENDMENT NO. 3743

Mr. DOLE. I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. SIMPSON, proposes an amendment numbered 3744 to amendment No. 3743.

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

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

The amendment is as follows:

[Amendment No. 3744 is located in today's RECORD under ''Amendments Submitted''.]

MOTION TO RECOMMIT

Mr. DOLE. I move to recommit the bill, and I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Motion to recommit S. 1664 to the Judiciary Committee with instructions to report back forthwith.

AMENDMENT NO. 3745 TO INSTRUCTIONS OF MOTION TO RECOMMIT

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3745 to instructions of motion to recommit.

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

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

The amendment is as follows:

Add at the end of the instructions the following: ''that the following amendment be reported back forthwith''.

Add the following new subsection to section 182 of the bill:

(c) STATEMENT OF AMOUNT OF DETENTION SPACE IN PRIOR YEARS.—Such report shall also state the amount of detention space available in each of the 10 years prior to the enactment of this Act.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3746 TO AMENDMENT NO. 3745

Mr. DOLE. Now I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3746 to amendment No. 3745.

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

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

The amendment is as follows:

At the end of the amendment add the following:

SEC. 178 of the bill is amended by adding the following new subsection:

(c) EFFECTIVE DATE.—This section shall take effect 30 days after the effective date of this Act.

CLOTURE MOTION

Mr. DOLE. Mr. President, I now send a cloture motion to the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dole (for Simpson) amendment No. 3743 to the bill, S. 1664, the immigration bill.

Bob Dole, Alan Simpson, Dirk Kempthorne, Strom Thurmond, Dan Coats, James Inhofe, Jesse Helms, Richard Shelby, Trent Lott, Conrad Burns, Connie Mack, Hank Brown, Kay Bailey Hutchison, Paul Coverdell, Fred Thompson, and Rick Santorum.

CLOTURE MOTION

Mr. DOLE. I now send a second motion to the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dole (for Simpson) amendment No 3743 to the bill, S. 1664, the immigration bill.

Bob Dole, Alan Simpson, Jesse Helms, Fred Thompson, Richard Shelby, Judd Gregg, Jon Kyl, Dirk Kempthorne, Trent Lott, Orrin Hatch, Larry Craig, Rick Santorum, John McCain, Kay Bailey Hutchison, Slade Gorton, and Don Nickles.

Mr. DOLE. Mr. President, for the information of all Senators, I just sent two cloture motions to the desk which would limit debate on the new Simpson amendment which encompasses all the Senate has adopted on the immigration bill to date.

The first cloture vote will occur on Monday, April 29, and I will consult with the Democratic leader before setting the cloture vote. I have been thinking about 5 o'clock, or something near that, so that all Members can be prepared for the cloture vote on Monday.

The second cloture vote will occur on Tuesday. And, again, I will speak with the distinguished Democratic leader.

I also indicate that I regret that I had to file cloture motions to fill up the amendment tree. But we would like to finish the immigration bill.

We still have ongoing discussions of when we can agree, if we can agree, on a procedure to handle a minimum wage. If we can work that out, a lot of this would end, and we could finally end the immigration bill very quickly.

So I do not really have much alternative unless I submit to the request of the Senator from Massachusetts.

It seems to me that we can work out some agreeable time for all Senators and some agreeable procedure. We will try to do that between now and Monday. Maybe we can vitiate many of these things.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I appreciate the comments of the distinguished majority leader.

The leader is absolutely right. This is all necessary because we are not in a position to agree tonight apparently on when that time certain may be for the minimum wage. I am optimistic, given our conversations in the last few hours, that we might be able to find a way in which to schedule the vote on the minimum wage in the not too distant future.

I am very hopeful that that can be done, that we can preclude in the future this kind of unnecessary filling of the tree and the parliamentary procedures involved with it. It is unfortunate, but under the circumstances there may not be an alternative.

1996 BALANCED BUDGET DOWNPAYMENT ACT—CONFERENCE REPORT

Mr. DASCHLE. Mr. President, I commend the distinguished chairman of the Appropriations Committee and our ranking member, the very distinguished Senator from West Virginia, for their work in bringing us to the point we are tonight. This has been a very long, difficult struggle. Seven months, two Government shutdowns and 13 continuing resolutions later, we resolved many of these extraordinarily difficult and contentious issues in a way that I feel has done a real service to the Senate.

I commend our colleagues. I commend all of those involved for having finally concluded this effort. I certainly appreciate the effort on both sides. I know others wish to speak, and I now yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I yield to the distinguished chairman of the Appropriations Committee, who, as I understand it, is going to manage some time here under the agreement we have with the distinguished majority leader so that we can make the comments we would have made before the passage of the omnibus bill at this time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I believe that was the majority leader's indication of the procedure we would follow. Let me say at this point in time, I suggest that those who have statements to make that do not relate to a colloquy which requires my presence would then follow after the colloquy that does require my presence with the Senator from Texas [Mrs. HUTCHISON]. So that would be the procedure. And then if there are no questions for me afterward, I am going to retire and let the speeches flow on.

Mr. President, returning now to the omnibus appropriations bill that just passed the Senate by an 88 to 11 vote, has passed the House of Representatives by a 399 to 25 vote, remarkable votes on a matter that has as much controversy and issues that excited people's passions as has this particular bill, I would like to acknowledge the support and the backing of the Senate and House leadership. We kept the leadership informed periodically throughout the negotiations with the White House, and we had the constant and consistent support by the leadership for the strategy that we had laid out and for the steps we were able to achieve.

I also want to pay particular attention to the subcommittee chairmen who served on the Appropriations Committee and the ranking members of those subcommittees, because they were involved in the negotiations as they related to their particular issues under their jurisdiction in the subcommittees. So we had a very broad base of participation in spite of the fact that five individuals had been put together in order to achieve the agreement—Senator BYRD and myself, and Chairman LIVINGSTON and Mr. OBEY of the House, and Mr. Panetta representing the White House.

I also want to express our deep appreciation to the White House negotiators for their responding to short-time notices. When we were ready to meet again—and all these meetings took place in the Appropriations Committee room of the Senate side of the building—they responded within minutes of the times when we said we would like to talk to you again on this issue, or we are ready to return to the table on a package of issues.

I want to also acknowledge Senator DOMENICI, as chairman of the Budget Committee. As you know, we function in a linked, and oftentimes in a lockstep with the Budget Committee, vis-a-vis the budget resolution and maintaining the caps and limits of spending established by that budget resolution. In this particular case we were making add-backs and offsets, but it impacted upon the scoring system of the CBO. We had constant, immediate response to needs by the Budget Committee and its staff, under the leadership of Senator DOMENICI, to give us an update or an immediate response to a question of scoring. We also had, for every add-back, offsets; so that it was deficit neutral in every step we took. Those offsets had to be called upon again by imaginative, creative ideas—uranium enrichment programs and other such things, again, which had a scoring implication that the Budget Committee responded to regarding our need and helping us along.

In any case, there is something that comes up in the tail end that you do not anticipate and do not suspect. One such incident is illustrative of the close working relationship with the Budget Committee. In a case where $15 million was asked for nuclear safety as it related to nuclear nonproliferation, it was considered as one of those oversights for some reason, but nevertheless it had to be acted upon at the request of the sponsoring Member. Here we had to reopen, in a sense, the Energy Subcommittee that had been closed in relation to this conference on the omnibus package. Again, Senator DOMENICI, as chairman of that subcommittee, came with the assistance required in order to not only reopen that committee but also to, in effect, find an offset. So, I want to pay special attention to the support from the Budget Committee, particularly Senator DOMENICI.

Mr. President, I am sure at the time the Senate acted upon these issues one by one, when we came out of our committee with a reported bill, people were very much aware of the heated debates that took place here on the floor before we were able to take that bill, having passed the Senate, with leadership support of both Senator DOLE and Senator DASCHLE, with the overwhelming support of Republicans and Democrats—we went into that conference with that kind of vote support which was very important. But we tend to forget, after we have gone through these debates and do not relive them as those of us do who have to relive them within a smaller context of a conference. Let me tell you, those debates were just as intense, they were just as heated, they were just as divisive as they are on the floor, if not more so, because here you are sitting across a table, looking eyeball to eyeball to the adversary in the debate.

Let me just say, we got into abortion. That was the Coats amendment. We got into population planning. We got into HIV, which was lifting the ban that had been done in the managers' report here on this floor. But we got into it in that situation within this very small context of basically five principals. We got into seven debates on environmental issues. I think they are equal in the intensity that people express their viewpoints and ideas as were the social issues. And we had to work through every one of those.

Let me say, the White House position initially was that all seven of those environmental issues that had been put there by the Senate and the House had to be excised; it would be a veto on the entire package if any one of those amendments, riders, stayed on this package. We kept five of them. We kept five of the seven, modifying four of the five, but we kept five of those environmental riders.

So, you see from that, the White House had moved. The White House had asked for $8 billion in add-backs. We agreed with offsets on $4.8 billion, about a split. We denied the White House half of what they wanted. The White House got half of what they wanted.

I think, when you come to a conference, it is a matter of giving and getting, so when the conference is over, everybody can say we won. That is a successful conference. I think we spend too much of our time trying to determine who loses and who wins, and if we do not spend that time, the media do.

The media likes winners and losers. It is kind of strange. It is difficult for them to comprehend and handle a situation where everybody wins. They may not have won everything, and they did not lose everything. To me that is the art of compromise. That is the art of legislation. That is recognizing the pluralism of our society.

We do not all think alike. God forbid we should ever. But, nevertheless, what I am saying is these votes in both the House of Representatives and in the Senate of the United States demonstrated my thesis—everybody won, or at least they can claim victory in this or that or the other thing.

We have to recognize one other thing. The Appropriations Committee, 7 months into this 1996 fiscal year, are behind already for the 1997 fiscal year. What we did in this conference was going to affect how expedited we can make the 1997 procedure. Sure, we might have won more from the House on the Senate side, but we would have done so at the expense of being able to find the kind of compromises to expedite the 1997 process. So we always, I think, have to realize that what we are doing at the moment has an impact on what we are going to have to do next. Again, we live in the moment and in a culture of instantaneous gratification: instant this, instant news, bite-size everything, and very few people in our culture are looking beyond today and this very hour.

I want to say, in my view, the exception to that is the Republican determination to balance the budget by the year 2002, because we are looking ahead to what implications today's actions are going to have on our children and our grandchildren, to the year 2002. But very few things are happening in our culture total, not just the political, that gives any indication that people are looking beyond the moment.

We were looking as well to resolve this issue, knowing we were going to be immediately thrust into the next fiscal year activity, of 1997. We have to always remain conscious of the fact that the President has legislative power.

He cannot force us to legislate anything, but we cannot legislate independent of the President either. That is the marvelous mystery of our mixing of powers within a separation of powers organization.

So when you look at the issues, the riders on the bill—and I am going to use any and every occasion that I have an opportunity to remind ourselves that, blast it all, it is the authorizers who should be doing these riders in the first place and they are dumping on to us, complicating the appropriations process unnecessarily.

Why? Well, we are the only committee that has to act. A lot of people like to talk, and they do. The appropriators not only talk, they have to act. We have to pass our bills. No other committee in this Congress, except the appropriators, are required by law to pass their bills to keep the Government going. Not even the Budget Committee has to act. In fact, the Budget Committee did not give the appropriators a budget resolution until August a few years ago which, really, by that time, was a rather futile gesture because we had to move ahead before the Budget Committee even acted in order to meet the October 1 fiscal year deadline.

So I want to say again, a lot of people talk about budget reductions, but it is the appropriators who have done it. We have cut the budget over $22 billion. No other committee has done it. They have talked about it. We have done the cutting, $22 billion. And sometimes we have had to do that without the benefit of anesthetic. This is a bloody surgery we are into.

I am always amused by the Members who come around to the appropriating committee and say, ''Be sure and put that in. Be sure and hang on to that one,'' spend that money and then get up here and talk about the appropriators or people refusing to cut spending. We are all guilty of it. It gets a little weary at times, I must say, but, nevertheless, that is the way the system functions. It is still the best system in the world, no matter how many times we find fault with it.

So I can say this to the body today that it is not the bill I would have written if I had been the only one, but it certainly is a bill of consensus. We had to deal with Democrats, Republicans, House Members, Senate Members and the White House, and to have engaged in that was, indeed, both an experience and one that took team effort. I am indebted to my colleagues in the Senate for this vote of 88 to 11 and to the superior leadership of Congressman LIVINGSTON. Let me tell you, we have sometimes divisions on this side, and we think it is hard to bridge those differences and so forth, but let me tell you, that House side—it is an amazing, amazing accomplishment that the leadership and Chairman LIVINGSTON were able to get a 399-to-25 vote and, again, everybody won.

Mr. President, I said I would yield to my friend from Texas, Mrs. HUTCHISON, and engage in a colloquy, and if there are no other questions, I will engage in that colloquy at this time in order to accommodate the Senator. If there are no questions, then I will depart.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the chairman of the committee. There is a high price for leadership, and he certainly has provided the leadership in this body in a very difficult circumstance. I appreciate the courtesies that he has given to me because it has been a very tough vote. I feel very strongly on principle, and I will talk about that later, but I appreciate the integrity of the process and of the Senator from the State of Oregon.

Mr. President, today the Senate passed H.R. 3019, the omnibus appropriations bill for 1996. Included in that bill as part of the appropriations for the Fish and Wildlife Service of the Department of the Interior was a provision that has twice passed the Senate. It puts a moratorium on the listing of endangered species and the designation of critical habitat in order to permit the reauthorization of the Endangered Species Act to go forward without the controversy of new listings and seeks to prevent further unnecessary harm to workers and property owners in the meantime.

As reported by the conference committee, the moratorium was revised to include language permitting the moratorium to be suspended if the President determines that it is in the public interest in the protection of naturally or locally affected interests. I certainly agree that it is in the national and local interest to have sound environmental management. But I also believe that it is in the national and local interest to protect agricultural, ranching and timber jobs. We must have the food, clothing, and shelter that our farmers, ranchers and lumberjacks provide. It is also in the national and local interest to protect human access to water for health, safety and economic reasons. We cannot have the people's access to water threatened, as it has been in my State, by environmental laws that were enacted before their effect on the water supply was fully understood.

Mr. President, I ask the Senator from Oregon, is it his intention and understanding that in using this provision, the President shall take into account jobs and people in addition to species?

Mr. HATFIELD. Mr. President, I thank Senator HUTCHISON. That is correct. In his exercise of the Executive power, the President is bound to consider the health and safety of the people and the economy in making Executive orders.

This is, of course, true with the suspension provision, too. I appreciate the assistance of the Senator from Texas in bringing this issue into focus at this particular time.

Mrs. HUTCHISON. I thank the Senator from Oregon, Mr. President. I thank him very much. I think that clarification should be a guide for the President if he decides to override what the Senate has passed.

Mr. HATFIELD. Mr. President, I wonder if the Senator from Texas will yield momentarily for a unanimous-consent request.

I ask unanimous consent that a summary of this bill be printed in the RECORD.

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

HIGHLIGHTS IN TITLE I OF H.R. 3019, OMNIBUS APPROPRIATIONS FOR FISCAL YEAR 1996

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY AND RELATED AGENCIES

A total of $14.7 billion for the Department of Justice, roughly a 20 percent increase over FY 1995 levels.

$1.4 billion for the Community-Oriented Policing Services to meet the goal of putting

cops on the beat. This program received no direct funding in the conference report to accompany H.R. 2076, the FY 96 Commerce, Justice, State & the Judiciary Appropriations bill.

$503 million for a Local Law Enforcement Block Grant, which will give those on the front lines in the fight against crime greater authority to make decisions about which crime-fighting strategies can work best in their communities.

Under the Department of Commerce, $221 million for the Advanced Technology Program (ATP), which receive no funding in the conference report to H.R. 2076, the FY 1996 Commerce, Justice, State and the Judiciary Appropriations bill, and $80 million for the Manufacturing Extension Partnership Program (MEP). Both ATP and MEP are part of NIST's (National Institute of Standards and Technology) Industrial Technology Services.

$185 million for the Federal Communication Commission, an increase of $10 million over the conference report to H.R. 2076.

Under the Department of State, sufficient funding for the United States to maintain its commitment to the United Nations at the 25 percent assessment rate, including $395 million to support U.N. Peacekeeping.

$278 million for the Legal Services Corporation.

DISTRICT OF COLUMBIA

$4.9 billion spending limit on total city expenditures.

In response the District's request, language regarding reductions-in-force (RIF) procedures is provided to make it easier for the city to reduce staff and control spending.

Public education reforms: authority for establishing independent charter schools; an oversight Commission on Consensus Reform in the public schools to ensure implementation of a required reform plan; technical assistance from GSA to repair school facilities.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES

$1.321 billion is provided for the National Park Service activities, an increase over the FY 1995 level.

The partial moratorium on Endangered Species Act listings is retained in the bill, as is language protecting historical management practices in the Mojave National Preserve. The President would be allowed to suspend these provisions if he determines such suspension is appropriate based upon the public interest in sound environmental management and resource protection.

Language providing a one-year moratorium on establishment of a new Tongass Land Management Plan and allows certain timber sales on the Tongass National Forest to be awarded if the Forest Service determines additional analysis is not necessary. The President would be allowed to suspend these provisions if he determines such suspension is appropriate based upon the public interest in sound environmental management and resource protection. Should the provision be suspended, $110 million would be available for economic disaster assistance in Southeast Alaska timber communities.

Language affecting Western Oregon and Western Washington, that would give greater flexibility to the Forest Service and the Bureau of Land Management to offer alternative timber sale volume to timber sale purchasers, has been dropped.

Language providing the Administration the authority to purchase all or portions of previously sold timber sales in Western Oregon and Western Washington has been dropped.

DEPARTMENTS OF LABOR, HEALTH & HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

$625 million for the 1996 Summer Youth Employment Program of the Department of Labor; The House bill had terminated this program.

$1.1 billion for the Dislocated Worker Retraining program, bringing the total $233 million above the House bill.

$350 million for the School to Work program, jointly administered by the Department of Labor and Education, an increase of $105 million from the 1995 appropriated level.

$11.9 billion for medical research supported by the National Institutes of Health. This is an increase of $654 million over 1995, or 5.8 percent.

$738 million for the Ryan White AIDS programs. This is an increase of $105 million over 1995. Within the total is $52 million specifically set aside for the AIDS drugs reimbursement program. These additional funds will enable states to better meet the growing cost and demand for new AIDS drugs.

$93 million to continue the Healthy Start program. This is $43 million above the original level passed by the House.

$3.57 billion for the Head Start program. This is $36 million above 1995.

$350 million for the GOALS 2000 Educate American Act program. The House bill had terminated funding for this program.

$7.2 billion for the Title I, Compensatory Education for the Disadvantaged, program. This is the same as the 1995 level and nearly $1 billion more than the House bill.

$466 million for the Drug Free Schools program. This is $266 million above the House bill.

$78 million for education technology programs which assist schools in expanding the availability of technology enhanced curricula and instruction to improve educational services. This is $23 million above 1995.

$973 million for Vocational Education Basis Grants. This is the same as the 1995 level and $83 million over the House bill.

$93 million to recapitalize the Perkins Loan student aid program. The House had proposed no funding for this purpose.

$32 million for the State Student Incentive Grant program. The House bill had proposed terminating funding for this program.

The bill also raises the maximum Pell Grant to $2.47 billion. This is an increase of $130 million in the maximum grant and is the highest maximum grant ever provided.

DEPARTMENT OF VETERANS AFFAIRS, HOUSING & URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

$16.564 billion for Veteran's Medical Care, an increase of $400 million over FY 1995.

The overall EPA level is increased to $6.528 billion, which is $818 million more than was included in the conference report to accompany H.R. 2099, the FY 96 VA, HUD & Independent Agencies Appropriations bill.

Under EPA, $490 million was provided for enforcement, $40 million more than was included in the conference report and an increase of $10 million over FY95.

Superfund receives an additional appropriation of $150 million bringing its total to $1,313,400,000.

State Revolving Funds: an increase of $448,500,000 over the conference level, including $225 million for drinking water SRFs and $223,500,000 for clean water SRFs.

Council on Environmental Quality: $2,150,000, which is double the CEQ conference level.

Economic Development Initiative: $80 million. No funding was provided for EDI in the conference report to accompany H.R. 2099.

Severely Distressed Public Housing: $380 million, an increase of $100 million over the H.R. 2099 conference report level.

Community Development Financial Institutions: $45 million compared to zero in the conference report.

National Service: $400 million compared to $15 million for termination in conference report.

$3.2 billion for the National Science Foundation, an increase of $40 million over the amount provided in H.R. 2099.

$13.9 billion for NASA, and increase of $83 million over the original amount in H.R. 2099.

H.R. 3019, OMNIBUS CONSOLIDATED RESCISSIONS AND APPROPRIATIONS ACT OF 1996

	Fiscal year 1995 enacted	Fiscal year 1996 request	Fiscal year 1996 conference [1]	House passed	Senate reported S. 1594	Senate passed	H.R. 3019 conference	Conference compared to— Fiscal year 1995 enacted	Fiscal year 1996 request	Fiscal year 1996 conference [1]	House passed H.R. 3019	Committee reported S. 1594	Senate passed
Commerce-Justice:													
New budget (obligational) authority	$26,698,342,000	$31,158,679,000	$27,287,525,000	$27,284,734,000	$27,285,234,000	$27,299,134,000	$27,841,284,000	$1,142,942,000	($3,317,395,000)	$553,759,000	$556,550,000	$556,050,000	$542,150,000
Appropriations	24,541,692,000	27,148,479,000	23,538,956,000	23,536,165,000	23,572,165,000	23,586,065,000	24,097,215,000	(444,477,000)	(3,051,264,000)	558,259,000	561,050,000	525,050,000	511,150,000
Rescissions	(171,250,000)		(207,400,000)	(207,400,000)	(242,900,000)	(242,900,000)	(211,900,000)	(40,650,000)	(211,900,000)	(4,500,000)	(4,500,000)	31,000,000	31,000,000
Crime trust fund	2,327,900,000	4,010,200,000	3,955,969,000	3,955,969,000	3,955,969,000	3,955,969,000	3,955,969,000	1,628,069,000	(54,231,000)				
(By transfer)	56,500,000	55,500,000	106,000,000	106,000,000	106,000,000	106,000,000	106,000,000	49,500,000	50,500,000				
(Limitation on administrative expenses)	3,463,000	3,559,000	3,559,000	3,559,000	3,559,000	3,559,000	3,559,000	96,000					
(Limitation on direct loans)	741,000	741,000	741,000	741,000	741,000	741,000	741,000						
(Liquidation of contract authority)	214,356,000	162,610,000	162,610,000	162,610,000	162,610,000	162,610,000	162,610,000	(51,746,000)					
(Foreign currency appropriation)	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000						
District of Columbia: Appropriations	712,070,000	712,070,000	727,000,000	727,000,000	727,000,000	727,000,000	712,070,000			(14,930,000)	(14,930,000)	(14,930,000)	(14,930,000)
Interior:													
New budget (obligational) authority	13,519,230,000	13,817,404,000	12,164,636,000	12,164,505,000	12,165,355,000	12,167,985,999	12,294,592,000	(1,224,638,000)	(1,522,812,000)	129,956,000	130,087,000	129,237,000	126,606,001
Appropriations	13,549,230,000	13,832,204,000	12,194,636,000	12,194,505,000	12,197,527,000	12,200,157,999	12,324,592,000	(1,224,638,000)	(1,507,612,000)	129,956,000	130,087,000	127,065,000	124,434,001
Rescissions	(30,000,000)	(30,000,000)	(30,000,000)	(30,000,000)	(32,172,000)	(32,172,000)	(30,000,000)					2,172,000	2,172,000
Crime trust fund		15,200,000							(15,200,000)				
(By transfer)	107,764,000	187,000,000	187,000,000	187,000,000	187,000,000	187,000,000	187,000,000	79,236,000					
Labor-HHS-Education:													
Total budget (obligational) authority	244,495,303,000	268,133,087,000	258,971,170,000	257,256,285,000	258,357,553,000	257,914,331,000	260,151,017,000	15,655,714,000	(7,982,070,000)	1,179,847,000	2,894,732,000	1,793,464,000	2,236,686,000
New budget (obligational) authority, 1996	204,547,586,000	226,132,133,000	217,325,820,000	216,620,935,000	216,722,203,000	216,278,981,000	218,217,281,000	13,669,695,000	(7,914,852,000)	891,461,000	1,596,346,000	1,495,078,000	1,938,300,000
Appropriations	205,154,584,000	225,956,733,000	217,360,820,000	216,667,935,000	216,769,203,000	216,325,981,000	218,264,281,000	13,109,697,000	(7,692,452,000)	903,461,000	1,596,346,000	1,495,078,000	1,938,300,000
Rescissions	(617,998,000)		(100,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	517,998,000	(100,000,000)				
Crime trust fund	11,000,000	175,400,000	65,000,000	53,000,000	53,000,000	53,000,000	53,000,000	42,000,000	(122,400,000)	(12,000,000)			
Advance Appropriations, 1997	39,687,717,000	41,704,554,000	41,385,350,000	40,385,350,000	41,385,350,000	41,385,350,000	41,683,736,000	1,996,019,000	(20,818,000)	298,386,000	1,298,386,000	298,386,000	298,386,000
Advance Appropriations, 1998	260,000,000	296,400,000	260,000,000	250,000,000	250,000,000	250,000,000	250,000,000	(10,000,000)	(46,400,000)	(10,000,000)			
(Limitation on trust funds)	11,396,796,000	12,259,261,000	11,487,093,000	11,573,093,000	11,490,092,000	11,490,766,000	11,546,926,000	150,130,000	(712,335,000)	59,833,000	(26,167,000)	56,834,000	56,160,000
VA, HUD:													
New budget (obligational) authority	89,927,686,000	90,551,351,093	80,606,927,000	81,311,016,000	81,995,196,000	81,995,196,000	82,442,966,000	(7,484,720,000)	(8,108,385,093)	1,836,039,000	1,131,950,000	447,770,000	447,770,000
Appropriations	90,260,686,000	90,746,470,093	80,805,046,000	81,509,135,000	82,193,315,000	82,193,315,000	82,641,085,000	(7,619,601,000)	(8,105,385,093)	1,836,039,000	1,131,950,000	447,770,000	447,770,000
Rescissions	(333,000,000)	(198,119,000)	(198,119,000)	(198,119,000)	(198,119,000)	(198,119,000)	(198,119,000)	134,881,000					
Crime trust fund		3,000,000							(3,000,000)				
(By transfer)	100,061,000	63,000	17,561,000	17,561,000	17,561,000	17,561,000	17,561,000	(82,500,000)	17,498,000				
(Limitation on administrative e	623,746,500	2,502,000	17,602,000	17,602,000	17,602,000	17,602,000	17,602,000	(606,144,500)	15,100,000				
(Limitation on direct loans)	1,200,523,034	1,075,421,120	1,075,363,000	1,075,363,000	1,075,363,000	1,075,363,000	1,075,363,000	(125,160,034)	(58,120)				
(Limitation on guaranteed loans	264,939,072,000	237,400,000,000	238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	(26,039,072,000)	1,500,000,000				
(Limitation on corporate funds)	516,041,000	549,626,000	554,401,000	554,401,000	554,401,000	554,401,000	554,401,000	38,360,000	4,775,000				
Title I—Omnibus Appropriations													
Total budget (obligational) authority	375,352,631,000	404,372,591,093	379,757,258,000	378,743,540,000	380,530,338,000	380,103,646,999	383,441,929,000	8,089,298,000	(20,930,662,093)	3,684,671,000	4,698,389,000	2,911,591,000	3,338,282,001
New budget (obligational) authority	335,404,914,000	362,371,637,093	338,111,908,000	338,108,190,000	338,894,988,000	338,468,296,999	341,508,193,000	6,103,279,000	(20,863,444,093)	3,396,285,000	3,400,003,000	2,613,205,000	3,039,896,001
Appropriations	334,218,262,000	358,395,956,093	334,626,458,000	334,634,740,000	335,459,210,000	335,032,518,999	338,039,243,000	3,820,981,000	(20,356,713,093)	3,412,785,000	3,404,503,000	2,580,033,000	3,006,724,001
Rescissions	(1,152,248,000)	(228,119,000)	(535,519,000)	(535,519,000)	(573,191,000)	(573,191,000)	(540,019,000)	612,229,000	(311,900,000)	(4,500,000)	(4,500,000)	33,172,000	33,172,000
Crime trust fund	2,338,900,000	4,203,800,000	4,020,969,000	4,008,969,000	4,008,969,000	4,008,969,000	4,008,969,000	1,670,069,000	(194,831,000)	(12,000,000)			
Advance Appropriations, 1997	39,687,717,000	41,704,554,000	41,385,350,000	40,385,350,000	41,385,350,000	41,385,350,000	41,683,736,000	1,996,019,000	(20,818,000)	298,386,000	1,298,386,000	298,386,000	298,386,000
Advance Appropriations, 1998	260,000,000	296,400,000	260,000,000	250,000,000	250,000,000	250,000,000	250,000,000	(10,000,000)	(46,400,000)	(10,000,000)			
(By transfer)	264,325,000	242,563,000	310,561,000	310,561,000	310,561,000	310,561,000	310,561,000	46,236,000	67,998,000				
(Limitation on administrative expenses)	627,209,500	6,061,000	21,161,000	21,161,000	21,161,000	21,161,000	21,161,000	(606,048,500)	15,100,000				
(Limitation on direct loans)	1,201,264,034	1,076,162,120	1,076,104,000	1,076,104,000	1,076,104,000	1,076,104,000	1,076,104,000	(125,160,034)	(58,120)				
(Limitation on guaranteed loans)	264,939,072,000	237,400,000,000	238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	(26,039,072,000)	1,500,000,000				
(Limitation on corporate funds)	516,041,000	549,626,000	554,401,000	554,401,000	554,401,000	554,401,000	554,401,000	38,360,000	4,775,000				
(Liquidation of contract authority)	214,356,000	162,610,000	162,610,000	162,610,000	162,610,000	162,610,000	162,610,000	(51,746,000)					
(Foreign currency appropriation)	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000						
Title II—Emergency Supplemental Appropriations													
New budget (obligational) authority		1,033,329,000		1,147,600,000	1,529,214,000	1,585,814,000	2,124,714,000	2,124,714,000	1,091,385,000	2,124,714,000	977,114,000	595,500,000	538,900,000
Appropriations		140,000,000		70,000,000	847,700,000	901,600,000	193,300,000	193,300,000	53,300,000	193,300,000	123,300,000	(654,400,000)	(708,300,000)
Emergency appropriation		1,784,329,000		1,835,600,000	1,043,100,000	1,093,100,000	1,655,600,000	1,655,600,000	(128,729,000)	1,655,600,000	(180,000,000)	612,500,000	562,500,000
Contingency emergency appropriations		69,000,000		173,000,000	458,414,000	486,314,000	275,814,000	275,814,000	206,814,000	275,814,000	102,814,000	(182,600,000)	(210,500,000)
Rescissions		(960,000,000)		(931,000,000)	(820,000,000)	(895,200,000)			960,000,000		931,000,000	820,000,000	895,200,000

(By transfer)		5,500,000		10,500,000		64,900,000	28,500,000	28,500,000	23,000,000	28,500,000	18,000,000	28,500,000	(36,400,000)
(Liquidation of contract authority)		375,000,000		375,000,000	375,000,000	375,000,000	375,000,000	375,000,000		375,000,000			
(Exempt obligations)		267,000,000		267,000,000	300,000,000	300,000,000	300,000,000	300,000,000	33,000,000	300,000,000	33,000,000		
(Limitation on direct loans)		118,874,000							(118,874,000)				
Title III—Offsets and Rescissions													
New budget (obligational) authority							(4,170,246,000)	(4,170,246,000)	(4,170,246,000)	(4,170,246,000)	(4,170,246,000)	(4,170,246,000)	(4,170,246,000)
Rescissions							(1,631,246,000)	(1,631,246,000)	(1,631,246,000)	(1,631,246,000)	(1,631,246,000)	(1,631,246,000)	(1,631,246,000)
Offsets							(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)
Rescissions of contract authority							(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)
Emergency rescission							(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)
Title IV—Contingency Appropriations													
Total budget (obligational) authority				3,332,900,000	4,781,500,000	3,649,102,000					(3,332,900,000)	(4,781,500,000)	(3,649,102,000)
New budget (obligational) authority				3,332,900,000	4,781,500,000	2,382,863,000					(3,332,900,000)	(4,781,500,000)	(2,382,863,000)
Appropriations						1,458,000,000							(1,458,000,000)
Contingency appropriations				3,332,900,000	4,781,500,000	1,540,863,000					(3,332,900,000)	(4,781,500,000)	(1,540,863,000)
Advance Appropriations, 1997						1,266,239,000							(1,266,239,000)
Rescission of contract authority						(616,000,000)							616,000,000
Offset: Petroleum reserves						(227,000,000)							227,000,000
Title V—Environmental Initiatives													
New budget (obligational) authority						439,000,000							(439,000,000)
Appropriations						487,000,000							(487,000,000)
Rescission of contract authority						(48,000,000)							48,000,000
Offset: Debt collection						(440,000,000)							440,000,000
TOTAL													
Total budget (obligational) authority	375,352,631,000	405,405,920,093		383,224,040,000	386,841,052,000	384,623,562,999	381,396,397,000	6,043,766,000	(24,009,523,093)	381,396,397,000	(1,827,643,000)	(5,444,655,000)	(3,227,165,999)
New budget (obligational) authority	335,404,914,000	363,404,966,093		342,588,690,000	345,205,702,000	341,721,973,999	339,462,661,000	4,057,747,000	(23,942,305,093)	339,462,661,000	(3,126,029,000)	(5,743,041,000)	(2,259,312,999)
Appropriations	334,218,262,000	358,535,956,093		334,704,740,000	336,306,910,000	337,392,118,999	338,232,543,000	4,014,281,000	(20,303,413,093)	338,232,543,000	3,527,803,000	1,925,633,000	840,424,001
Emergency appropriation		1,784,329,000		1,835,600,000	1,043,100,000	1,093,100,000	1,655,600,000	1,655,600,000	(128,729,000)	1,655,600,000	(180,000,000)	612,500,000	562,500,000
Contingency emergency appropriations		69,000,000		173,000,000	458,414,000	486,314,000	275,814,000	275,814,000	206,814,000	275,814,000	102,814,000	(182,600,000)	(210,500,000)
Contingency appropriations				3,332,900,000	4,781,500,000	1,540,863,000					(3,332,900,000)	(4,781,500,000)	(1,540,863,000)
Rescissions	(1,152,248,000)	(1,188,119,000)		(1,466,519,000)	(1,393,191,000)	(1,468,391,000)	(2,171,265,000)	(1,019,017,000)	(983,146,000)	(2,171,265,000)	(704,746,000)	(778,074,000)	(702,874,000)
Rescissions of contract authority						(664,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(98,000,000)
Crime trust fund	2,338,900,000	4,203,800,000		4,008,969,000	4,008,969,000	4,008,969,000	4,008,969,000	1,670,069,000	(194,831,000)	4,008,969,000			
Emergency rescission							(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)
Offsets						(667,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(110,000,000)
Advance Appropriations, 1997	39,687,717,000	41,704,554,000		40,385,350,000	41,385,350,000	42,651,589,000	41,683,736,000	1,996,019,000	(20,818,000)	41,683,736,000	1,298,386,000	298,386,000	(967,853,000)
Advance Appropriations, 1998	260,000,000	296,400,000		250,000,000	250,000,000	250,000,000	250,000,000	(10,000,000)	(46,400,000)	250,000,000			
(By transfer)	264,325,000	248,063,000		321,061,000	310,561,000	375,461,000	339,061,000	74,736,000	90,998,000	339,061,000	18,000,000	28,500,000	(36,400,000)
(Limitation on administrative expenses)	627,209,500	6,061,000		21,161,000	21,161,000	21,161,000	21,161,000	(606,048,500)	15,100,000	21,161,000			
(Limitation on direct loans)	1,201,264,034	1,076,162,120		1,076,104,000	1,076,104,000	1,076,104,000	1,076,104,000	(125,160,034)	(58,120)	1,076,104,000			
(Limitation on guaranteed loans)	264,939,072,000	237,400,000,000		238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	(26,039,072,000)	1,500,000,000	238,900,000,000			
(Limitation on corporate funds)	516,041,000	549,626,000		554,401,000	554,401,000	554,401,000	554,401,000	38,360,000	4,775,000	554,401,000			
(Liquidation of contract authority)	214,356,000	537,610,000		537,610,000	537,610,000	537,610,000	537,610,000	323,254,000		537,610,000			
(Foreign currency appropriation)	1,420,000	1,420,000		1,420,000	1,420,000	1,420,000	1,420,000			1,420,000			

[1] Senate-reported level for Labor-HHS-Education.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, once again, I thank the Senator from Oregon for completing a very tough job, and I commend him for the job that he has done.

Mr. President, I want to talk about my vote, because I voted against this bill on a principle that I think is very important, and I would like to step back and talk about the background.

Over the past 20 years, we have greatly improved the environment in the United States. As a Nation, we have spent over a trillion dollars to clean our air, water, and land. We have cleaner air and water than we have had for the past 40 years in our country. Now we are at a crossroads in environmental policy. We can preserve all of the environmental gains that we have made and still move forward to assure our children a safer, cleaner, and healthier environment.

But we will not be able to move forward if we continue to rely on the old, top-down command and control solutions from Washington, DC. Instead of orders from Washington, DC, we need to allow communities and businesses to find the best way to meet our national environmental standards themselves.

The administration and its leaders on Capitol Hill have used every opportunity to demagog and politicize environmental policy in order to protect the status quo and appease extremist environmental ideologs. They seek to take every opportunity to accuse Republicans of harming the environment, as if we had a separate supply of water and air to breathe.

I was accused by one of these groups of being supported by antienvironmental groups. So I asked the question, ''What groups are you referring to as antienvironment?'' And they said, ''Realtors, home builders, electrical co-ops, farm bureaus.''

Mr. President, I am proud to be associated with those groups that give to our economy and create the jobs in our country. They are not antienvironmental. And neither are any of us in this body. The rhetoric is misleading and it is even false in some cases.

They claimed that the Senate bill that we passed originally lowered clean air standards. It did not. They claimed that the Senate bill would have increased industrial pollution. It did not. It provided increases in clean water and drinking water programs.

They claimed the Senate bill would have ignored toxic waste sites. It did not. In fact, it is time for this administration to stop rhetoric like that and stop dragging its heels on Superfund cleanups, to put aside the red tape and get things done that actually clean our water and air.

So what happened tonight? In order to prevent the President from shutting down the Government again, to protect the Washington bureaucrats' power, today's bill cedes to the President too much authority that is our authority to write laws and then to make sure that the regulators are doing what we intended for them to do. I think that is a mistake.

Last year this Congress recognized that reform of the Endangered Species Act is long overdue. It called a timeout on new listings and new designations of critical habitat. Congress recognizes that we must protect the environment at the least possible cost to American workers and families.

The conference report that was before us today permits President Clinton to suspend the moratorium on new listings at will. The Endangered Species Act has been good. It has focused us on the need to preserve plants and animals. There have been some notable successes. But the heavyhanded means that are being employed now to preserve hundreds of subspecies of bait fish and rats are increasingly counterproductive.

The moratorium on listings have kept American workers from losing their jobs. It has stopped narrow-minded interest groups from hijacking the Endangered Species Act and hurting our economy. Timber growers that have worked for years to grow trees to save for their retirement or for their children's education have had to cut trees on the basis of a rumor that their land might be listed as an endangered species habitat. Why? In order to avoid having Washington bureaucrats tell these people that they cannot cut down a tree after they have cultivated it for decades.

In central Texas, my home State, the Fish and Wildlife Service limited cutting of cedars to protect habitat for the golden-cheeked warbler. The warbler uses cedar bark to make its nest. Cedars are a weed. They are a weed. Our homeowners and land owners clear the land. If they are not cleared, in fact it hurts health. It also absorbs water that should be going into the Edwards Aquifer which is a water supply to the city of San Antonio and ranches and farms all over the area.

If we cannot rely on the support and cooperation of the people who live with the animals that we want to save, I do not think the animals are going to be saved. And that is not in anyone's interest nor is it in the interest of saving the animals.

That is why I have made such a high priority of reforming the Endangered Species Act. We need to forge a new consensus about saving endangered species. We need to make private property owners stakeholders, not adversaries in the process.

That is why I proposed and the President signed into law the moratorium on new listings. The President says we must go back to the old law that is obsolete that everyone admits does not work. Even the people who are trying to keep it admit it does not work. It puts the power back in the hands of Washington bureaucrats.

The President should not be able to change what has passed this body twice in the last year with the stroke of a pen and take away the savings, the property, and even the jobs of hard-working Americans. We can set national environmental standards.

We can put Federal resources behind environmental cleanup and enforcement. But it must be done in a sensible way. It must take human needs into account. Before we list species again we must put common sense into the law, put control back in the hands of the people. Only then will we be able to assure a healthier, safer environment for all Americans.

Mr. President, there is some good in the bill that passed tonight. There are some lower spending levels. That was a step in the right direction in many ways. But the President pushed too far. Economic damage could occur. Jobs could be lost. If the Fish and Wildlife Service acts without considering good science, local concerns, and water supplies for people, there could be untold damage to the people of our country.

I feel that I must oppose the compromise that passed tonight on this principle and say to the President, Mr. President, you must assume full responsibility for your administration's actions. If people and communities are not considered in this process, when farmers cannot farm, and water sources for cities are shut down, and when working people lose their jobs, Mr. President, you have pushed too far, and this politicization of the environment must stop. Thank you, Mr. President.

Mr. LAUTENBERG. Mr. President, as the only Democratic member of this body who sits on both the Appropriations Subcommittee dealing with EPA and on the Environment and Public Works Committee, I have had a special interest in the funding of the Environmental Protection Agency.

And I want to thank Senators BOND and MIKULSKI for their work on these issues.

Mr. President, when the EPA budget first passed the the Senate, EPA's funding level was 17 percent below the fiscal year 1995 level. The House was 33 percent below the previous year level. Those figures were unacceptable to me, to the President and the American people.

The people of America have made clear that they want us do all we can to protect their drinking water from contaminates, their air from harmful smog and their land from the improper disposal of toxic wastes. Since the President vetoed that funding bill for EPA, there has been significant progress.

When this pending continuing resolution was considered in the Senate, I offered an amendment that would have raised EPA funding $726 million. That would have raised EPA to the full 1995 level by adding money for state assistance for drinking water and sewage treatment, for global climate change research, for environmental enforcement and for Boston Harbor clean up.

Once that amendment was offered, there were long, and ultimately painful negotiations among the parties. Needless to say, negotiations were not easy; if they had been today would be October 25,1995 not April 25, 1996.

I want to especially acknowledge the efforts of the Junior Senator from Massachusetts, JOHN KERRY, who fought relentlessly to fund EPA and, in particular, to address the special needs of Boston Harbor. Without his persistent efforts during our negotiations, the additonal dollars for Boston Harbor would not be in this bill.

As a member of the Conference, I want to take this opportunity to thank Senator KERRY for his hard work and persistent efforts in getting the funding for this important water pollution control program.

Mr. CRAIG. Mr. President, this bill contains extremely important funding for the State of Idaho, along with other items I must clearly support. For that reason, I will be voting in favor of this bill.

However, I think it is important to make a record of some of the shortcomings of this bill.

First, I am extremely disappointed that this bill ignores the concerns of many communities and citizens in the Columbia Basin who worked honestly and deliberately over the years to develop local forest management plans. Those plans will now be summarily overridden by two gigantic environmental impact statements which will dramatically alter all the existing local plans on 144 million acres. It remains my opinion that these EIS's represent an inappropriate application of the National Environmental Policy Act. They are too big; they are too remote for comment by the citizens who will be affected; and they are too complex for any reasonable understanding by any affected party. I am told that this project will have cost the Forest Service and Bureau of Land Management up to $30 million. I submit that the advancement of science through this project has been worth but a fraction. Despite my efforts and those of Congressman NETHERCUTT to interject some common sense and fiscal responsibility, the language we worked hard to support has been dropped. As a result, I am very apprehensive that our local governments, our citizens who depend upon the public lands for livelihood and recreation, and many others who use the forest will be locked out of the forest for reasons none of us will ever understand.

Another item missing from this agreement that concerns me is my amendment, passed by the Senate, relating to the Legal Services Corporation. Let me acknowledge the efforts of the Senate conferees—and particularly, Senator GREGG—to protect this amendment. As my colleagues will recall, this amendment was aimed at what some of us believe is a pattern of straying from the important mandate of providing legal services to the poor, instead pursuing a political agenda. In the case I highlighted, the Legal Services Corporation grantee drove my constituents to the edge of bankruptcy in a 6-year battle over an adoption that went all the way to the U.S. Supreme Court and twice to the Idaho State Supreme Court. Eventually, my constituents prevailed and the adoption was finalized. If anyone benefited from this gross waste of taxpayer funds, I have yet to discover it. It's my intention to continue pursuing my amendment to redress this unfairness in another forum.

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 3019, the Omnibus Fiscal Year 1996 Appropriations Bill which includes five separate appropriations bills for the balance of fiscal year 1996. This bill provides full year funding for the Veterans, Housing Urban Development and Independent Agencies appropriations bill, the Labor, Health and Human Services appropriations bill, the District of Columbia appropriations bill, the Interior and Related Agencies appropriations bill, and the Commerce, Justice and State appropriations bill. It also includes emergency funding to deal with the floods in the Pacific Northwest and other disasters.

Mr. President, I serve as ranking member on the Commerce, Justice and State Subcommittee. I have served in that capacity or as Chairman of that Subcommittee since 1977. And, I want to speak today most of all in support of the conference agreement as it pertains to the departments, agencies, programs and people covered by that important appropriations bill.

We need to keep in mind that we have had 13 stop-gap ''continuing resolutions'' since October 1, 1995 when the fiscal year began. In the case of the CJS bill, the Senate completed action on the bill on September 29, 1995, and passed the conference report to H.R. 2076 on December 7, 1995. I voted against that conference report as did 48 of my colleagues. The President then vetoed H.R. 2076 on December 19, 1995. While the President's official veto message mentioned many problems with the CJS bill, in his actual statement he mentioned only the elimination of the Cops on the Beat program and the Advanced Technology Program as his reasons for finding the bill to be unacceptable.

So, we have now gone through this somewhat difficult process and conferenced what is essentially a new Commerce, Justice and State bill. During the past weeks, we have had negotiations between the White House and the Congressional leadership. And, during the past week, we have had intensive negotiations going on between the White House represented by President's Chief of Staff, Leon Panetta, his able assistant Martha Foley, and Jack Lew of OMB and the Congressional leadership represented by our distinguished Chairman, Senator HATFIELD, Senator BYRD, House Chairman Mr. LIVINGSTON, and Mr. OBEY. They have had to work long hours on a number of difficult, controversial issues. I think that they have done an excellent job. I think that our Congressional team deserves special praise. They conducted these negotiations in a bipartisan manner, something that has been seriously lacking in the 104th Congress.

Mr. President, the Commerce, Justice and State portion of this agreement represents a good, realistic compromise that responds to our spending priorities at the same time that it cutbacks overall spending. This conference report provides $27.8 billion for the CJS bill. This is $3.2 billion BELOW the level requested in the FY 1996 President's Budget request.

This agreement restores funding for several high priority programs and makes several other changes that lead me to conclude that it is a vast improvement over the CJS bill that the President vetoed. I will just mention a few.

First, and most important to me, this agreement provides $221 million for the Commerce Department's Advanced Technology Program (ATP). I authored this program in the 1988 Trade Act and I can tell you that it is strongly supported by the President and was a high priority for our late Secretary of Commerce. Ron Brown. ATP provides cooperative agreements that are cost-shared with industry. These ATP awards are intended to help industry take leading edge technologies from the drawing board to the marketplace. It is intended to develop entirely new industries, create high-paying jobs, and to help us compete with the Japanese, French, and Germans who maintain quite similar programs.

This conference agreement is $221 million above the vetoed CJS bill, H.R. 2076, but is still about $210 million below the level enacted for the ATP program in fiscal year 1995. Report language notes that the highest priority should be to continue ATP awards made in fiscal year 1995 and prior years—but, the new Commerce Secretary, Mickey Kantor, is allowed under this agreement to continue to make new ATP awards.

And, I should note, that the agreement includes an additional $2 million for the Office of our Under Secretary of Commerce for Technology, Mary Lowe Good. She is the best. And report language expresses our commitment to continue the U.S./Israel Science and Technology Agreement which is overseen by her office.

Second, this conference agreement includes $1.4 billion for the Community Oriented Policing Services program or ''COPS'' as it is commonly known. This is $100 million above the fiscal year 1995 level, $1.4 billion above the level included in H.R. 2076, the Commerce, Justice and State bill that the President vetoed last December. I should note that it is almost the identical amount that was restored on the Senate floor in September when the Senate

considered H.R. 2076. The conference report reiterates, for the first time since the Republicans won a majority in the House and Senate, that the Congress remains committed to deploying one hundred thousand additional police officers on the beat across America by the year 2000. The conference agreement also provides $503 million for a new local law enforcement block grant. This program is intended to meet other law enforcement needs that communities may have, such as equipment. It is my hope that this latter program will not simply become a new Law Enforcement Assistance Administration (LEAA) program.

On another crime issue, the conference report includes $403 million for a new State prison grant program, sometimes called ''Truth in Sentencing.'' This program, which will provide grants to States to build or renovate or expand prisons. Senator GREGG, our Chairman, and his staff director, David Taylor, worked very, very hard on this issue. I think they have come up with a program that is much better than the existing program which is authorized in the 1994 Crime Bill. This new prison program will now really address the needs of small states, and will help all states add prison cells to incarcerate violent offenders.

Third, this conference agreement includes $1.254 billion for Department of State international organizations and conferences. For the most part this represents assessed contributions to the United Nations and other international organizations, for example the World Health Organization and Organization of American States, and for United Nations Peacekeeping. The conference agreement represents an increase of $326 million above the vetoed CJS bill, H.R. 2076. While this is not a personal priority of mine, I know that the Administration's view was that these funds would have to be restored for the President to sign this bill.

Fourth, the agreement waives Section 15a of the State Department basic authorities Act, so the State Department can continue to obligate appropriations even in the absence of a fiscal year 1996 authorization. Only in this CJS bill do we have this crazy situation where an agency is told that it legally cannot obligate appropriations if an annual authorization has not been enacted. The Department of Defense doesn't live under this ridiculous rule. Nor does the Justice Department or Health and Human Services, or anyone else. I'm all for the importance of the authorization process—I am ranking minority and former Chairman of an authorization committee. But, I would never think of trying to stop NASA, or the Transportation Department, or the National Science Foundation or other agencies from obligating appropriations that the Congress and the President considered, approved, and enacted.

I also should note that the bill language regarding Vietnam allows the State Department, USIA, and Foreign Commercial Service to maintain a presence in that nation. We have opened diplomatic relations with Vietnam and have an Embassy in that nation. It's time to move forward in our relations with Hanoi. I'm glad that Senators HATFIELD, KERRY, KERREY, MCCAIN, and LAUTENBERG were able to prevail on this issue.

Fifth, this bill includes some very important appropriations for disaster assistance: $100 million is provided for the SBA for disaster loans. This ensures that parts of the United States that are hit by disasters in the future, such as tornadoes and hurricanes, can receive assistance. And, $18 million is provided to EDA to help the Northwest and North Dakota deal with flooding and to address other disasters if necessary.

I urge my colleagues to support this bill. What is most important to note is that this bill will become law unlike the previous appropriations bills that were vetoed. This is happening because members from my side of the aisle were included in the appropriations process. The role of the Presidency was recognized and the administration's views were considered in making spending decisions. This is not the way the Appropriations Committee and the Commerce, Justice and State Subcommittee started business in the 104th Congress. I truly hope it is the way we now will continue to do business as we embark on fiscal year 1997.

In conclusion, I think there are many people who deserve credit for getting this bill to this point. But, no one deserves more credit than our distinguished Chairman, Senator HATFIELD. He and I have been Governors and know what it means to run a government. We have been legislators together in this Senate for some thirty years. Senator HATFIELD understands the responsibilities of being a Senator and what it means to be Chairman of the Senate Appropriations Committee, a Committee with such an important tradition and mission. Senator HATFIELD took control a few months ago and literally brought the appropriations process back from total chaos. During this fiscal year, he has repeatedly tried to bring some sanity, and bipartisanship to the appropriations decisions. I think the President and the many Federal employees in the Executive Branch owe him a real debt of gratitude. But, most of all, I think he has done this Senate, this Congress, and this Nation a very real service and I, for one, want to express my appreciation.

Mr. JEFFORDS. Mr. President, this conference agreement includes the final conference agreement on the District of Columbia appropriations for fiscal year 1996. Like each of the other appropriations bills contained in this omnibus agreement, the District's bill has endured a long and arduous course to enactment today.

The District of Columbia portion is not all that we would want, but it is the best we can do. A key feature of this bill is the education reform that it contains. It would have been better and more effective if we could have included the $15 million in additional assistance that our original conference agreement included to begin these reforms. But that was not possible. However, legislative language is included on many of the reforms and I will work with the Superintendent, the Board of Education, other city officials and the control board to make sure that these reforms are implemented. The children of this city can not, and now will not, wait another day.

The District is in a fiscal crisis. Research by the General Accounting Office and the Congressional Research Service of cities who have faced similar crises tells us that if we are to restore the economic vitality, an essential ingredient to restoring fiscal health, we must reform the schools. We must provide quality public schools to retain and attract a tax base. That pursuit within Congress begins with this bill.

One of the important reforms in the bill is the creation of a Consensus Commission on Education Reform. This group of citizens will cast a watchful eye over the reform process in the District and, if there are impediments or a failure to act on the required reform plan, it will recommend and request the control board to take the required steps to make reform a reality. I am determined that we will no longer have wonderful plans or insightful reports that go unimplemented. This time the intentions of the reformers will be realized.

The agreement does not include additional funds to carry out these reforms in 1996, but it does authorize funds for fiscal year 1997 and beyond. I can assure city officials and my colleagues that I intend to do everything that I can to see that these funds are appropriated next year and in the future so that the changes envisioned are achieved.

Mr. President, in closing I want to thank the Senator from Oregon for his tenacious and tireless work on this bill and his invaluable help in the regular D.C. conference. His help and guidance made an agreement possible. Many others contributed to the D.C. bill and the Omnibus bill's success, especially the Senator from West Virginia who helped craft the agreement we are considering today.

I also need to thank our subcommittee's distinguished ranking member, the Senator from Wisconsin, Senator KOHL, for his cooperation and support during the consideration of this bill. Finally, Mr. President, our counterparts in the House, Representative JIM WALSH and Representative JULIAN DIXON, who worked with us in a partnership to find common ground and bring this bill to this point today.

Mr. President, I urge Senators to support this agreement, we need to get on with the task of reforming public education in the District and restoring

fiscal sense to it's budget process. This bill sets that course. I yield the floor.

Mrs. MURRAY. Mr. President, I rise today to gratefully express my relief that finally, 7 months into the current fiscal year, we are debating the bill that will put this year's budget to bed. And I am pleased to be able to support this bill based on changes that have been made over the past few days.

This agreement did not come easy, and it comes nearly too late for many people. It's unfortunate that it took two Government shut-downs, innumerable furloughs, and needlessly bitter partisan disputes, before we reached the path of resolution: serious bipartisan negotiations.

I do not think many families would make their budgets this way, 6 months late. I know I would not. But I am glad we've reached an agreement nonetheless.

I said to all my colleagues and the people of Washington State early last year there is a right way, and a wrong way, to balance the Federal budget. The wrong way would be to use quick and dirty gimmicks, paper tigers like the constitutional amendment or the line item veto.

I said the right way is to go through the budget line-by-line, program-by-program, and make the tough choices necessary to balance the books. Well, that is what happened on this bill. It reflects tough decisions, and strong, clearly-set priorities of both political parties.

The final agreement saves the taxpayers another $23 billion under last year's budget, and I think that's a good thing. But it also redirects funds to support important education programs, health programs, and environmental programs. In other words, we achieved a rare balance between spending cuts and spending increases that is good for the people.

I want to talk briefly about each of these three areas, environmental priorities, education priorities, and public health priorities.

Mr. President, I am so pleased with the progress the administration made in stripping this bill of almost all environmental riders. I believe this cleaner bill represents a victory for all of us who care about the health of our environment and protection of natural resources. Two provisions I spoke against on the floor 3 days ago have been dropped: those affecting the Columbia Basin Ecosystem Project and those addressing the timber salvage provisions.

Now, the Columbia Basin Ecosystem Project can go forward, providing resource managers with comprehensive, scientific information about how best to protect the land, restore riparian habitat, and sustainably use our natural resources. This offers us one of our first opportunities to get ahead of the curve, and proactively address resource management before it we face a debilitating crisis. I appreciate my Senate colleagues agreeing to allow this project to move forward.

Likewise, I appreciate Senator HATFIELD dropping the salvage provisions. I know there was legitimate disagreement between the chairman and the President about whether these provisions would help or hinder the administration's ability to alter current timber contracts to protect old growth forests. This has been such a contentious, divisive issue that finding the right course of action in this atmosphere has been nearly impossible. I wish this Senate had chosen simply to repeal the entire timber salvage rider and replace it with the long-term salvage program I had advocated in my amendment.

Overall, the Interior portion of this bill is balanced and fair. The President's Forest Plan is well-funded, the Elwha Dam has initial acquisition funds, Native American programs have been sufficiently funded, some important land acquisitions have been made, and many vital programs remain intact. I am very sorry the Lummi People are still being coerced about water rights on their reservation and wish we could have made more progress on this provision.

Now on to education. Mr. President, my greatest concerns in this budget were the deep and painful cuts to programs that support America's young people. When we began this debate, we were faced with a proposal that would have slashed nearly $4 billion away from the education of our next generation. Had these cuts been enacted, we would have faced the largest setback to education in our Nation's history.

Thankfully, for children in Washington State and the millions of young people who can not be heard through the vote, rational and thoughtful leadership prevailed. The add backs to education and training represent a commitment to programs that provide opportunity and hope.

We have restored $333 million for dislocated worker retraining that puts my State's timber workers back into the work force. We have added back $137 million Head Start dollars that insure our kids begin school ready to learn. We have restored $635 million for summer youth jobs for our young people that provide many of our most disadvantaged kids with the opportunity to give back to their communities. We have also saved the Safe and Drug Free Schools Program with $200 million that works proactively to take the fear out of our classrooms. Finally, the School-to-Work Program, which has been proven effective in the State of Washington received an additional $182 million. These programs, along with $814 million new Title I dollars that provide our schools with the essentials of learning, will immeasurably benefit our kids and our Nation's future.

I also want to talk about how AIDS research, prevention, and treatment issues have been handled by this Congress. Today's agreement has been a long-time coming. Finally, we have the opportunity to vote and pass a spending measure that will give help and peace of mind to many who need it most. Of course, we can always do more and there is always room for improvement. But, after months of debate and disagreement, we have come up with a plan that I can vote for. I recognize the need to cut spending and allocate Federal resources with strict scrutiny.

But, these decisions cannot be made at the expense of our most vulnerable citizens.

Programs like the Ryan White CARE Act receive a much needed increase. This bill raises funding for programs which care for those living with HIV/AIDS by $106 million over last year. These are critical dollars for: emergency care for particularly hard-hit cities like Seattle; comprehensive care for all our States to cope with the epidemic; early intervention services to save money down the road; and funds for Pediatric AIDS demonstration projects.

The AIDS Education Training Center program, which I fought so hard to protect last fall, and which I fought hard for throughout this process, will be maintained. This critical program provides information to health care professionals about HIV and keeps them up-to-date on the latest in treatment for those living with HIV and AIDS. We must make sure that information and public awareness are kept at an all-time high, and I congratulate my colleagues for having the good sense to recognize the importance of the AETC program.

I also want to briefly express my relief that the blatantly discriminatory policy of discharging HIV-infected service members is repealed in this bill. This proposal was closed-minded, unfounded, and offensive to our men and women in uniform who have chosen to serve our country. The Dornan-provision sent the wrong message; it said that Congress bases decisions on ignorance, fear and hate. I want no part of sending that message, and today we have the chance to right a terrible wrong.

Finally, Mr. President, while I am pleased with many of the changes that were made to this bill, I am deeply disappointed that Senator HATFIELD's language on International Family Planning was not maintained. Like many issues in this Congress, the Senate has taken a different approach than our counterparts in the House with respect to International Family Planning assistance. Throughout the debate on this issue, the Senate has continually supported funding for this program, and I have spoken many times in favor of our efforts to continue providing these services.

As it stands now, none of the appropriated funds can be spent until July 1. After that, money can only be spent on a month-to-month basis at a rate of 6.7 percent a month until the new fiscal year begins on October 1. The result is funding for U.S. population assistance will be reduced by about 85 percent

from last year's level. This is a disastrous situation that will severely hamper this program.

As a member of the Appropriations Subcommittee on Foreign Operations, I will work this year to try to restore these funds in fiscal year 1997. The millions of couples who rely on these valuable services are counting on this assistance.

Mr. President, I am glad we have finished the fiscal year 1996 budget. It's the people's business, and it's our responsibility to conduct. While the process over the past several months has been dominated by partisanship and dispute, the past few weeks have demonstrated that if reasonable leaders get together, they can usually resolve their differences and reach agreements that serve the public interest.

I sincerely hope this example sets a new tone that will carry into the fiscal year 1997 budget process. We have a short year, only a few months left to complete work on 13 new budget bills, before the political season completely overtakes Congress. I think it is in everyone's interest that we remain at the table and complete our next set of tasks with good humor and discipline.

Mr. SPECTER. Mr. President, when H.R. 3019 passed the Senate on March 19, substantial progress had been made to protect critical funding for education and training programs. The amendment I offered with Senator Harkin during Senate consideration provided $2.7 billion more for education, job training and Head Start programs for the 1996/1997 academic year. These additional funds were fully offset, thus preserving the balanced budget objectives for discretionary appropriations in fiscal year 1996.

The conference agreement before the Senate today maintains the increased funds for education provided by the Specter/Harkin amendment. It also protects funding for other important objectives, such as, worker safety, medical research, health services, and domestic violence prevention.

Overall, H.R, 3019 appropriates $64.6 billion for discretionary programs of the Labor, HHS and Education Subcommittee. This is $204 million above the Senate passed bill, $2.6 billion above the House bill, and $2.6 billion, or 4 percent, below the 1995 post-rescission level. Included in the bill is the termination of over 110 programs viewed by the conferees as either having met their objectives, being duplicative of other programs, or having low priority. The bill's highlights include the following: $625 million for the 1996 Summer Youth Employment Program of the Department of Labor; the House bill had terminated this program; $1.1 billion for the Dislocated Worker Retraining Program, bringing the total $233 million above the House bill; $1.3 billion for worker protection programs, bringing the average funding level for each enforcement agency to 98 percent of the 1995 level; $350 million for the School to Work Program, jointly administered by the Departments of Labor and Education, an increase of $105 million from the 1995 appropriated level. $11.9 billion for medical research supported by the National Institutes of Health. This is an increase of $654 million over the 1995 level, or 5.8 percent; $738 million for the Ryan White AIDS Programs. this is an increase of $105 million over 1995. Within the total is $52 million specifically set aside for the AIDS drugs reimbursement program. These additional funds will enable states to better meet the growing cost and demand for new AIDS drugs; $93 million to continue the Healthy Start Program. This is $43 million above the original level passed by the House. $3.57 billion for the Head Start Program. This is $36 million above the 1995 level; 350 million for the GOALS 2000 Educate America Act Program. The House bill had terminated funding for this program; $7.2 billion for the Title I, Compensatory Education for the Disadvantaged Program. This is the same as the 1995 level and nearly $1 billion more than the House bill; $466 million for the Safe and Drug Free Schools Program. This is $266 million above the House bill; and $78 million for education technology programs which assist schools in expanding the availability of technology enhanced curricula and instruction to improve educational services. This is $23 million above 1995.

H.R. 3019 also preserves funding for student aid programs. The agreement raises the maximum Pell Grant to $2,470. This is an increase of $130 in the maximum grant and is the highest maximum grant ever provided. Funds also are provided to maintain the capital contributions to the Perkins Loan Program and Federal support for the State Student Incentive Grants Program.

Finally, the agreement includes $900 million for the Low Income Home Energy Assistance Program (LIHEAP) in fiscal year 1996. The original House bill, H.R. 2127, had included no funding for the LIHEAP Program. H.R. 3019, also makes available $420 million in ''emergency'' contingency funds for the fiscal year 1997 program. Regular funding for next winter's LIHEAP Program will be considered during the fiscal year 1997 appropriations process.

It is always easy to add money, but much more difficult to find the offsets for additional spending in order to not add to the Federal deficit. The conference agreement before the Senate today succeeds in both restoring funding to critical education, health and training programs and in maintaining our commitment to balance the federal budget. It is an excellent appropriations bill, and I urge my colleagues to give it their support.

Ms. MOSELEY-BRAUN. Mr. President, with the passage of this bill, and with the signature of the President, the Federal Government will, at long last, resume normal operations. The Federal Government will function as planned—for the first time in 7 months.

Much has happened in those past 7 months. Thirteen times, the Government of the United States faced uncertain funding. Twice, the Government ground to a halt. Federal services were interrupted, Federal paychecks were stopped, and Federal employees were treated as helpless pawns in the midst of congressional grandstanding. Financial markets, international image, and public confidence were put at risk. There seems to be no resolution to this situation.

Seven months of uncertainty, said some of my colleagues, yes—but a necessary sacrifice to achieve 7 years of deficit reduction and a balanced budget by 2002.

That reasoning, Mr. President, was just plain wrong.

The type of Federal spending that pays for Government salaries and Government programs, known as domestic discretionary spending, is not responsible for our Federal deficits. Discretionary spending has not increased as a percentage of the Gross Domestic Product since 1969—the last time we had a balanced budget. Discretionary spending is a mere one-sixth of the $1.5 trillion total of Federal spending—and that is steadily declining.

The real problems with the deficit are with what are known as entitlement spending—Social Security, Medicare, Medicaid, federal retirement programs, and interest on the national debt. These programs are consuming a rapidly growing portion of overall federal revenues, and, by 2012, will consume 100 percent of the revenue the Federal Government takes in.

I know how important it is to reduce the deficit. That's why I cosponsored the Balanced Budget Amendment. We cannot leave a legacy of debt to our children. We have an obligation to restore budget discipline, so that our children—and future generations—will be able to achieve the American Dream.

In order to do that, tough choices must be made. All federal programs must be on the table. Nothing can be exempt from review. Everything must be examined to see where we can do better, and what we no longer need to do.

That does not mean, however, that reducing the debt can be achieved simply by cutting one Federal program in favor of another. Yet that's exactly what this omnibus appropriations bill attempts to do.

This $163 billion bill funds programs normally funded through individual appropriations bills, such as education, job training, Head Start, crime and the environment. Over $5 billion in programs once targeted for termination or deep cuts are restored, such as Community Development Financial Institutions, Head Start, Safe and Drug Free Schools, and School-to-Work programs.

The bill provides $1.4 billion to put 100,000 additional police officers on the streets. The bill restores the Summer Jobs for Youth Program, restores $195

million for the Goals 2000 program, for a total $350 million; restores $387 million more for National Service, for a total of $402 million, and restores Title I funding for disadvantaged students. The bill also boosts Ryan White funds by $82 million, EPA water programs by $465 million, and Superfund by $150 million.

The agreement deletes, or allows the President to waive such controversial legislative riders as the anti-environmental provisions associated with the Tongass National Forest, Mojave National Preserve, and Endangered Species Act.

Also included in the bill is a repeal of the discriminatory provision that would have forced HIV-positive members of the military to leave the service.

This bill is a great improvement over the spending levels initially proposed by this Congress. The restoration, or near restoration, of many of these education and job training programs means that the priorities of the American people have prevailed.

The bill still cuts important discretionary spending by $23 billion.

Some may hail that as deficit reduction, Mr. President, and yes, a number of these program reductions and terminations are justified.

But cutting those items will not make a dent in Federal deficits. The appropriations process cannot be expected to compensate for our failure to address our deficit problem.

We can cut this $23 billion, cut welfare and foreign aid, stop pork barrel spending, and eliminate funding for Congress altogether, but we still will not solve our more fundamental budget problems.

The only way to really balance the budget is to act based on the budgetary realities, rather than the myths. If we fail to do so, in less than 20 years, the skyrocketing growth in entitlement programs means there will not be one single dollar for agriculture, for education, for national defense, or transportation, cancer research, or flood control, or any of the myriad of other Federal activities.

It is as simple as that, Mr. President, and it's a critical fact that this bill, with all its cuts, simply misses.

We are halfway into this fiscal year. There is a time to debate, and a time to act. While I believe we can do far better than this bill, going forward with additional temporary funding extensions is something I find even more unpalatable, and that is why I reluctantly will support final passage of this conference report.

Mr. COATS. Mr. President, I rise to voice my serious concerns that this omnibus appropriations bill fails to include an important provision: a limitation on the expansion of the Federal Direct Loan Program to 40 percent of loan volume for the academic year that begins on July 1, 1996.

As my colleagues know, back in the fall when we passed the Balanced Budget and Reconciliation Act, Congress agreed to return this questionable, big-government program to a true demonstration size—10 percent of total student loan volume. Many of us viewed the 10 percent cap as a reasonable compromise, especially in light of the House vote to repeal the program altogether. And, many of us would still prefer to repeal this misguided takeover of the student loan program.

Nonetheless, I and many of my colleagues on both sides of the aisle, were willing to support a middle ground on this issue: a limit on the expansion of direct lending to 40 percent of loan volume. I believe that this was a more-than-reasonable compromise because it would permit all currently participating schools to remain in the program. Let me say that again: not one school that is already participating in direct loans would be forced out.

However, the administration would not accept this reasonable compromise. The President allegedly threatened to veto the entire omnibus appropriations bill if a cap on direct lending was included. This is incredible! That the President would be willing to hold the entire appropriations process hostage to ensure the continued expansion of a program which is nothing more than a delivery system for loans, is truly an extreme position.

Remember, this President told the country just a few short months ago, during his State of the Union address, that the era of big Government is over. This same President stressed the need for stronger public-private partnerships in meeting the needs of the American people. Yet he threatened to stop the budget process once again if this omnibus appropriations bill included a cap on a massive, new government bureaucracy which seeks to end a public/private partnership which has been successfully serving students for 30 years!

We should not allow the President to pretend to be moderate on the campaign trail while he engineers a potentially disastrous federal takeover of the student loan industry. The President's refusal to negotiate a reasonable cap on the untested direct loan program exposes the true colors of this administration: rather than new Democrats they are clearly old-fashioned, bureaucracy-building, Washington-knows-best liberals.

Unlike the more complex debates over Medicare, Medicaid and welfare delivery systems, it is quite obvious that direct lending is an intuitively backward idea that will:

Make the Department of Education the single largest consumer finance lender in the country, while driving private lenders out of the student loan business.

Result in a $150 billion increase in federal debt by 2002, and a $350 billion increase over the next 20 years.

Eliminate a program where the private lenders share default risk, and replace it with a system where private sector contractors shift the entire risk to the taxpayer.

Replace private sector competition with government contractors.

Substitute an untested student aid delivery system that has yet to demonstrate the ability to collect the loans it makes for the guaranteed loan program, which has dramatically improved the performance of the student loan portfolio in recent years.

We should keep in mind that the Department of Education's management track record bodes ill for the future of the direct loan program.

The management track record of the Department of Education over the past few years—and the last several months in particular—raises grave questions concerning whether the Department has the management ability to take over student lending without jeopardizing the uninterrupted flow of funds in the Nation's largest program of student financial assistance.

Major missteps in the past year have included:

I. Inability to process on a timely basis the Federal Application for Student Financial Aid (FAFSA), the basis calculation of financial need required of all applicants for student assistance.

Although the Department continues to blame weather and Federal furloughs for the unprecedented delays, the fact is that the Department started 6 months behind schedule, and hired new contractors using new, untested technology. In trying to cover up their very serious mistakes, the Department has had to hire additional processors and authorized 24-hour, 7-day-a-week operation, at unknown additional taxpayer cost.

Students and institutions have been severely affected by this mix-up at the Department: institutional financial aid officers and State scholarship programs are unable to offer student aid packages to prospective students; a million students do not know where or whether they will be able to attend college this fall; and 23 percent of our Nation's colleges are planning to push back their May 1 deadline for students to decide which college to attend.

II. The Department has mismanaged the congressionally mandated anti-default initiative, which is designed to terminate high-default schools from Federal student loan programs.

Although the law requires the Department to decide institutional appeals within 45 days, the Department failed to meet this requirement. In an effort to get rid of its 1992 backlog, the Department threw in the towel and accepted whatever default rate a school claimed for itself, without investigation. As a result, schools with default rates of as high as 24 percent now boast single digit official rates for fiscal year 1992. Incredibly, there is still a backlog of 400 appeals of rates calculated for 1990 and 1991!

As a result, students at high-default institutions have remained eligible for student loans—loans which have a high

probability of defaulting, burdening taxpayers with millions of dollars in unnecessary costs. The Department's default rate for 1993 for high risk schools was so flawed that it had to be withdrawn and reissued in February 1996.

III. The Inspector General severely criticized the cost effectiveness of the Department's efforts to encourage defaulters to consolidate their defaulted loans into direct lending's income contingent repayment.

The Inspector General estimated this flawed initiative could cost taxpayers $38 million.

IV. Failure of the Department's contractor to post information received from guaranty agencies on a timely basis has resulted in thousands of defaulted borrowers having their income tax refunds wrongly withheld.

In addition, these individuals have been subjected to Federal collections efforts despite the fact that they had entered into satisfactory repayment arrangements with their guarantor.

V. The National Student Loan Data System, mandated by Congress in 1986 and only implemented by the Department in 1995, is so flawed that it has erroneously calculated school default rates and cannot be relied upon for its basic function of determining student's eligibility for grants or loans.

What does this woeful litany of mismanagement mean?

It means that the Department of Education has used poor judgment in developing its computer systems and overseeing its contractors.

It means that its current management is incapable of performing essential technological functions which it had been performing successfully for a number of years.

It means that the taxpayer will be unnecessarily burdened with additional costs incurred because of the Department's inability to manage.

It means that millions of students and their parents are, at the very least, extremely inconvenienced by the Department's inability to generate information essential to awarding of student financial aid on a timely basis. And in far too many cases, a student's entire future—whether or not he/she attends college—may be jeopardized by the Department's mismanagement.

And it means that it would be foolhardy to trust the Nation's largest student financial assistance program—student loans—to the same Departmental officials that have in the past few months mismanaged every major contract and system for which they have been responsible.

This debate is about what is the best way of delivering student loans—whether through a Federal bureaucracy, or through a private-public partnership. While I believe very strongly that the latter will prevail in the long run, the compromise that the President would not allow simply called for leaving things where they are, and not expanding this program further.

We should not be allowing the administration to go forward with its grandiose plans for taking over the student loan program with its own untested, costly direct government lending program. The administration's direct loan program is more Federal bureaucrats, more Government spending, and a more costly program. The administration wants this massive, new bureaucracy to replace the current bank-based student loan program.

By not including a cap on this experimental program in this omnibus appropriations bill we are trusting the Department of Education to distribute, account for, and collect billions of dollars in student loans. This is the same Department that is currently causing students across the country to have to worry needlessly about their financial aid awards because the Department was unable to manage the processing of the forms.

We should be stopping this insanity today. A reasonable cap of 40 percent on direct lending would have forced the Department to slow down and pay attention to all the student aid programs, not just direct lending—hopefully avoiding a repeat of the trauma which is facing students now during the application cycle. Unfortunately, this reasonable approach was lost along the way.

President Clinton's pronouncements in his State of the Union Address notwithstanding, the era of big government continues.

Mr. KOHL. Mr. President, there is no excuse for the Congress to have delayed the fiscal 1996 budget this long. But thankfully, the high stakes game of political chicken is finally over. After closing the Government on two occasions, passing 13 separate stop-gap funding bills, and waiting a full 7 months beyond the start of the budget year, Congress will finally pass the 1996 spending bill.

This $160 billion measure funds the programs from five separate appropriations bills throughout the rest of this fiscal year. I will vote for the bill because it demonstrates that, when we work as a bipartisan majority, we can do what America has been asking us to do for a long time: cut the budget while protecting priorities like education, health care, and the environment. With this plan, overall Federal spending will be cut by $23 billion. However, $5 billion for health, education, environment, and job training programs has been restored under this measure.

Because some were intent on trying to score political points this year rather than finishing our budget in a timely fashion, important programs for education, public health and job training and safety had been left in precarious funding situations since October 1, the beginning of the fiscal year. State labor departments were hampered in their ability to help those affected by plant closings. Head Start administrators wondered if they would have to close doors in the middle of their program year, negating recent gains from this early intervention program. And it looked like Americorps would be killed before the benefits from this promising community service program were ever realized.

But no cuts would have had a more detrimental and long-term effect than the proposed cuts in education. I say this as a strong advocate of balancing the budget. To get to that goal, I know we have to consider cuts in programs we support. And I am willing to do so in every area—except education. The drastic cuts in education initially proposed would have set our Nation back in the attempt to build a work force needed to lead our economy into the 21st Century.

During negotiations with the House, the Senate and the administration insisted on basing overall education funding on the levels contained in the Senate bill—that is, funding at least at last year's level. As a Member of the Appropriations Committee, I have fought for the Senate education levels. With the diligent leadership of Senators HATFIELD, BYRD, SPECTER, and HARKIN, the Senate position on education prevailed.

The title I education program, our largest contribution to schools across the country to help teach disadvantaged kids, has been funded at $7.2 billion. This is a full restoration to last year's level. Safe and drug free schools, a program granting schools the resources they need to curb drugs and violence and create a productive learning environment, is funded at last year's amount of $466 million. GOALS 2000 will be funded at $350 million, $22 million less than 1995, but enough to allow States and school districts to continue in their efforts to pursue effective education benchmarks. I am very pleased to say that the School to Work Program, which helps kids obtain technical skills critically needed in today's work force, received a $105 million increase.

Although these levels may not seem like a huge victory, just take a look at what could have been, and what would have been, had the Senate and the President caved to extremist policies. The House proposed cutting title I education by almost $1 billion; Goals 2000 was completely eliminated as was the State student incentive grant program; $266 million was slashed from the Safe and Drug Free Schools Program; vocational education was cut $83 million; and, school to work cut $55 million.

These levels would have had dire consequences for Wisconsin's education system. Wisconsin was originally slated to lose $28 million in education resources—including over $1 million in cuts to Goals 2000, almost $2 million in cuts to safe and drug free schools, over $4 million in vocational education cuts, and an unsustainable $20 million cut in title I, the money that goes to our most disadvantaged young students. This bill today prevents these shortsighted education cuts.

Other programs important to the future of Wisconsin received needed investments under this bill. The Ryan White AIDS programs received a $105 million increase from last year. This total includes $52 million directed to the AIDS drug reimbursement program so that States may better meet demands for breakthrough drugs. Healthy start, which funds a promising demonstration program in Milwaukee aimed at preventing infant mortality, was restored to $93 million, or $43 million above the House cut. Funding was added back to the mental health block grant, which provides resources to help adults and children with severe mental illness and emotional disturbance. Dislocated worker assistance and the Summer Youth Employment Program were also restored under the bill.

Mr. President, this bill is much more than a day late, but at least it's not billions of dollars short on education. Although I am disappointed with some provisions of the bill, I am pleased that our efforts to restore the investment in education prevailed.

I am also pleased that the most egregious antienvironmental riders have been either eliminated or modified in this bill. Further, I am pleased that a significant portion of the funding for environmental programs has been restored. While overall fiscal constraints will undoubtedly become more severe in the coming years as we take the steps necessary to move toward a balanced budget, I think we should take a closer look at our priorities for discretionary spending. In my view, spending on the environment, as an investment in our future, should be a priority.

There are some aspects of this bill with which I am much less happy. I am very disappointed that this budget fails to fund an adequate amount of crime prevention—programs that can reach young people before they are lost to a life of crime. Last fall, a bipartisan Senate agreed to shift $80 million into crime prevention programs like Weed & Seed, the Boys and Girls Clubs, and DARE—only about one-quarter of what was authorized by the 1994 Crime Act for prevention in 1996. As we started on a new version of the budget this spring, a separate bipartisan vote of the full Appropriations Committee again set aside $80 million for a broad range of local crime prevention—less than 5 percent out of the $1.9 billion local law enforcement block grant.

Despite these votes, and continuing bipartisan support on the Senate side, our $80 million in crime prevention funding was quietly stripped out of this legislation, leaving only a small increase for Weed & Seed and the Boys and Girls Clubs, and entirely neglecting those areas that do not have one of these programs. After all these months, we are shut out—and so are all of the young people who are looking for a little help in their efforts to get off the streets and stay out of prison.

The 1994 Crime Act authorized a reasonable 80 percent to 20 percent split between law enforcement and prevention. But this budget wipes out almost all prevention funding. As any professional in the juvenile justice system will tell you, that is a big mistake.

I am also disappointed with the conferees' action on agricultural credit. The fiscal year 1996 agriculture appropriations bill was completed by Congress and signed by the President in a timely manner last year, and therefore we have not needed to include regular agriculture funding in any of the continuing resolutions. However, there is an agricultural credit provision in this bill, which seeks to rectify a credit provision of the recently passed farm bill that I believe is very unfair.

The farm bill provision in question essentially prohibits farmers from receiving USDA loans or loan guarantees if they ever had their debts restructured. During the 1980s, the Federal Government actively encouraged farmers to restructure and write down their debts. Now the new farm bill tells farmers that they are barred from getting more loans if they took that advice, even if they are creditworthy today. In my mind, that's close to a breach of contract.

A number of us in this body have cosponsored a bill S. 1690, introduced by Senators CONRAD and GRASSLEY, that would provide some short-term relief for farmers that have been caught by this mid-stream change of policy by delaying implementation of these unfortunate credit eligibility provisions for 90 days.

Further, as a member of the Agriculture Appropriations Subcommittee, I have also been working with others to try to craft language to be included in this continuing resolution to resolve this matter. While there is a provision included in the bill to try to provide some relief, I believe that it is far too narrow because it doesn't address the plight of farmers with farm ownership loans that have been approved, but not yet obligated. Even under the credit provision included in this bill, those farmers will be denied those loans that they had previously been promised. To address this problem, 11 Senators recently signed a letter asking for the necessary revisions to the provision. I am discouraged that these efforts were rejected.

All in all, I think this bill is a victory for fiscal sanity and a victory for education, health care, and the environment. Unfortunately, the battle went on too long and extracted too high a price—the uncertainty for Federal fund recipients, the Government shutdowns, the partisan budget negotiations, and the divisive parliamentary maneuvering around the 13 continuing resolutions. We should strive for a similar end next year. But lets hope that our means of getting there is more sensible, more bipartisan, and more productive.

NATIONAL COMMISSION ON RESTRUCTURING THE IRS

Mr. KERREY. Mr. President, I want to compliment the work of the distinguished Senator from Alabama, Mr. SHELBY, for securing the adoption of an amendment in the conference to modify the composition of the National Commission on Restructuring the IRS, which was authorized in Public Law 104–52. This amendment increases to 17 the number of members of the Commission. With this change, Mr. President, I believe we can stop the logjam which we have found ourselves in and get the majority and minority leaders of both bodies and the President to make their appointments to this Commission in an expeditious manner. I would, however, like to take this opportunity to clarify two points with respect to the Commission with the distinguished subcommittee chairman, Mr. SHELBY. First, by increasing the number of Commission members to 17 under section 637(b)(2) of Public Law 104–52, we intended that the number of members to constitute a quorum under section 637(b)(4), would increase from seven to nine. Is that the Senator's understanding?

Mr. SHELBY. Yes, that is my understanding. Because we did not want to reopen the Treasury chapter in the conference, this technical change was not made, but it is certainly my intention as the subcommittee chairman that the Commission should honor our intent that nine members of the Commission will constitute a quorum.

Mr. KERREY. I thank the distinguished Senator for that clarification. Finally, I want to ask if it is the Senator's understanding we intended that the Commission not issue its report until after December 31, 1996?

Mr. SHELBY. Yes, that is my understanding.

Mr. KERREY. Again, I thank the distinguished Senator for all of his work on this important matter. In addition, I want to thank the distinguished majority and minority leaders and the President for their involvement in this issue and urge them to make their appointments to this Commission as quickly as possible.

ESTABLISHMENT OF A PEDIATRIC INTENSIVE CARE CENTER IN AN EMPOWERMENT ZONE ENCOMPASSING CAMDEN, NEW JERSEY

Mr. LAUTENBERG. Mr. President, I would like to bring to the chairman's attention, and to the attention of my esteemed colleague, Senator HARKIN, that Cooper Hospital/University Medical Center and its Children's Regional Hospital are the only acute care hospitals in the empowerment zone that encompass Camden, NJ. These hospitals provide critical services to the Camden community. Now they are proposing to establish a new pediatric rehabilitation center which will address a vital unmet need in the community. There are many worthy organizations seeking these empowerment funds; however, this project is expected to provide community based quality care for children from communities in the Camden area. I strongly suggest that this project be considered for empowerment zone funding.

Mr. HARKIN. I thank the Senator for bringing this matter to our attention. I

concur with his recommendation and underscore the value of such a facility. This project should certainly be considered for empowerment zone funding.

Mr. SPECTER. I agree with my distinguished colleagues and am encouraged by the significant contributions such a project can make. Consideration should be given to the establishment of the pediatric intensive care center with empowerment zone funds.

UNIVERSAL NEWBORN HEARING SCREENING COLLOQUY

Mr. HARKIN. Mr. President, I would like to engage the chairman of the subcommittee, Senator SPECTER, in a colloquy. As you know, the Department of Health and Human Services recently issued a plan to improve the health of this country's citizens by the year 2000. Included in that plan, commonly referred to as the healthy people 2000 report, was a goal to reduce the average age at which children with significant hearing impairment are identified to no more than 12 months.

In March 1993, NIH convened a consensus panel on early identification of hearing impairments in infants and young children. That panel recommended that all children be screened for hearing impairment before they discharged from the birthing hospital. Unfortunately, at that time, few hospitals or audiologists and experience with the newborn hearing screening techniques which were recommended. Therefore, in October 1993, the Maternal and Child Health Bureau funded a consortium of sites who were experienced with NIH-recommended technique to encourage and assist with the implementation of the NIH recommendation. That consortium, with a relatively small amount of Federal money, has been extremely successful in assisting with the implementation of newborn hearing screening programs. Through their efforts, there are now over 70 hospitals in 14 different States doing universal newborn hearing screening following the NIH-recommended protocol.

Mr. SPECTER. I think the work of the consortium which you have described is the kind of work which is needed to continue universal newborn hearing screening consistent with the healthy people 2000 report and the NIH recommendations. I would support the continued funding of these activities by the Maternal and Child Health Bureau.

VISTA LITERACY CORPS

Mr. SIMON. Mr. President, I would like to clarify the intent of the conferees in regard to funding for the VISTA Program. It is my understanding that the conference agreement provides an additional $2.1 million for VISTA and that this represents half of the $5 million added by amendment in the Senate for the VISTA Literacy Corps. Is this correct?

Mr. SPECTER. The Senator is correct.

Mr. SIMON. Am I also correct in assuming that the conferees intend that these funds may be allocated specifically to the efforts to combat illiteracy that have been carried out by the VISTA Literacy Corps?

Mr. SPECTER. The Senator is correct in his understanding of our intent.

Mr. SIMON. I thank the Senator and appreciate the support of the Committee for the effective work of the VISTA Literacy Corps.

DISASTER ASSISTANCE

Mr. DORGAN. Mr. President, I see the distinguished chairman of the Senate Appropriations Committee, Senator HATFIELD, on the floor and wonder if he would be willing to engage in a short colloquy with Senator CONRAD and myself on the disaster assistance section of the omnibus appropriations bill, H.R. 3019.

Mr. HATFIELD. I will be happy to respond to any questions you may have.

Mr. CONRAD. We are particularly concerned that the conference agreement does not explicitly mention that Devils Lake, ND, is eligible to receive disaster and hazard mitigation assistance from the Economic Development Administration, as was the case in the Senate-passed version of the bill.

Mr. DORGAN. Is it the Chairman's view that the ongoing and severe flooding problems at Devils Lake should be given serious consideration for EDA assistance under the terms of this agreement?

Mr. HATFIELD. That was the position of the Senate, and these severe problems remain eligible for some assistance under this agreement.

Mr. DORGAN. We thank you for your help on this extremely urgent matter for North Dakota, and sincerely appreciate your views as chairman of the Appropriations Committee.

Mr. CONRAD. I also thank the chairman, and sincerely appreciate all his assistance.

SMALL AIRPORT USER-FEE PROGRAM

Mr. COHEN. I am concerned that section 107 of this bill, which lifts the cap on the amount of funds that may be expended on a customs service program for small airports, could lead to abuse of this program and unfair competition.

Under current law, all large airports, such as Bangor International Airport, which are designated ports of entry, must charge passengers $6.50 per ticket to pay for the cost of customs inspection and processing. In 1984, Congress established a program for small airports that could not qualify for port-of-entry status to enable them to provide customs services to international passengers. Passengers arriving at airports that qualify for this program do not pay the $6.50 fee. Instead, a user-fee airport pays a user fee directly to the Customs Service, which goes into an account that pays the salaries of the customs inspector and the cost of customs inspections and other services at the user fee airport. By law, the Secretary of the Treasury may only qualify an airport to participate in this user-fee program upon finding that the volume or value of business cleared through such airport is insufficient to justify the availability of customs services at such airport.

Guidelines published by the Customs Service provide that airports with over 15,000 international passengers annually, or which meet other criteria, can qualify for port-of-entry status. By implication, airports receiving more than 15,000 passengers annually should not qualify for the user-fee program because they have sufficient volume to justify full-time customs' services. Unfortunately, there is no mechanism under current law for automatic graduation of user-fee airports into port-of-entry status. This loophole enables airports designated by the Secretary as a user-fee airport to service substantial numbers of international passengers, but circumvent the $6.50 per passenger fee that must be paid by passengers arriving at port-of-entry airports. Unless the law is changed, airports with user-fee status, that nonetheless enter the business of large-scale international transit, have a built-in competitive advantage over port-of-entry airports that must charge each passenger $6.50.

I would like to ask the Chairman of the Finance Committee for his comments on this situation.

Mr. ROTH. I agree that there appears to be a significant loophole in the current law that should be closed regarding user fee airports. We need to ensure that the advantages of the user-fee program benefit the small airports it is designed to help and not give an unfair and unintended advantage to big airports that remain in the program.

Therefore, I think we need to find a way to discourage user fee airports that have a substantial increase in the number of international passengers from remaining in the user-fee program and to encourage their designation as a port of entry, which is appropriate for larger airports. Otherwise, a user fee airport could receive an unfair competitive advantage over port-of-entry airports merely by avoiding the $6.50 passenger processing fee on airline tickets, as the Senator from Maine has pointed out.

Ms. SNOWE. I thank the distinguished chairman of the Finance Committee for his comments. As the chairman may be aware, this is a critical issue for the State of Maine, as abuse of the user-fee program by airports that no longer qualify for that program have the potential of causing severe economic harm to Bangor International Airport, one of Maine's most important employers. If this abuse of the program is permitted to continue, flights that currently refuel and clear Customs in Bangor could decide to move their refueling operations to Canada, where the Government heavily subsidizes fuel costs at competing transit airports. Those flights could then continue on to Sanford Airport in Florida, a user-fee airport that has been able to gain an unfair competitive advantage because it can offer to international charter flights the ability to

avoid the $6.50-per-passenger fee that must be paid by port-of-entry airports such as Bangor. Indeed, there can be little doubt that this diversion of air traffic will occur, as, according to press reports, Sanford Airport is scheduled to receive 325,000 passengers during the remainder of the year, a level far above the 15,000-passenger threshold for user-fee airports. I am very concerned that the expansion of the user-fee program, made possible by the lifting of the funding cap in this appropriations bill, will create an immediate threat to Bangor International Airport's business and have the unintended effect of diverting to a Canadian airport important international air traffic that currently uses American transit airport facilities.

Can the chairman of the Finance Committee provide assurances that this problem will be dealt with as expeditiously as possible and that he will support a legislative remedy to close the loophole that currently provides user-fee airports engaged in substantial international business to circumvent the $6.50 per passenger fee?

Mr. ROTH. I am sensitive to the imminent problems facing Bangor International Airport as a result of the loophole in the user-fee airport program. I assure you that I will provide whatever help I can to ensure that the customs laws provide a level playing field for all airports that receive significant numbers of international passengers.

TONGASS LAND MANAGEMENT PLAN

Mr. MURKOWSKI. Mr. President, the language agreed to by the conferees and the President directs the Secretary to: first, maintain the land base of the 1992 Tongass Land Management Plan—1.7 million acres—for timber for 1 year; and second, release the enjoined AWRTA sales. The President may waive either or both of these requirements. If he so chooses, he triggers a $110 million appropriation over 4 years—fiscal years 1996–99—for timber worker employment, community development, and to replace lost timber sale receipts.

I want to extend to my colleague, Senator STEVENS, well deserved credit for protecting the people of southeast Alaska and penalizing the administration for not meeting its obligations under the Tongass Timber Reform Act of 1990 to sustain the timber dependent communities of southeast Alaska. And I want to thank all of my colleagues, particularly Senator HATFIELD and Senator GORTON, for standing by us in the fact of Clinton administration recalcitrance, ignorance about the conditions in Alaska, and extreme prejudice about sustainable forest management.

Like the Sierra Club earlier this week, the Clinton administration appears opposed to any forest management on the national forests. I suppose this should not be terribly surprising, given the high number of former Sierra Club lobbyists in the Clinton administration. At least the current lobbyists at the Sierra Club had the honesty to publicly announce their total opposition to all timber harvesting.

I am going to be equally candid. My bottom-line goal over the next year is going to be to make it as difficult and painful as possible for the administration to complete its draft Tongass Land Management Plan preferred alternative and suspend the 1.7 million acre land base requirement that we have just enacted. It would unacceptably reduce the productive forest land base and throw workers out of jobs and families in the streets. The draft TLMP contains alternatives that maintain the 1.7 million acre land base and allowable sales quantity. One of these alternatives can and should be selected.

Let me make a few additional points so that there is no confusion about what we are doing today and so that all of my colleagues have a complete context for the current and coming debate. And the debate will definitely continue.

The purpose of today's amendment is to penalize the Clinton administration for failing to meet its multiple use obligations under the Tongass Timber Reform Act of 1990, and to make it as difficult as possible for the administration to shirk these obligations in the future.

The administration has been—and, under our amendment, will continue to be—required to seek to meet market demand for Tongass forest products and thereby protect southeast Alaska communities under the provisions of the 1990 act.

All along, what we have wanted to do was to protect the forest land base so a sustainable industry and associated communities can exist in southeast Alaska. We can't make the administration—particularly this administration—manage the forest. Our hope is that we can at least protect the landbase, and to the greatest extent possible we have done this.

In my oversight of the Forest Service's development of a new Tongass Land Management Plan I have been flatly appalled by: first, the lack of sound scientific information involved in the effort; second, the poor credibility of the socio-economic impact analysis conducted; third, the offering of more multiple-use promises that can't be kept; and fourth, the rush to complete this effort which is, in part, politically driven. Indeed, the White House press office's statement today that the President would use the suspension, without even consulting with the Forest Service is evidence of crass politicization of the resource agency. Last week, we had an 8-hour hearing on this draft plan. Here are the transcripts; I would be happy to share them with anyone who wants to read them to see how little the Forest Service knows about the resources and the people of the Tongass.

The TLMP uses voodoo economics to evaluate the effects of weird science employed to justify Greenpeace politics in southeast Alaska.

We will proceed with our oversight of the TLMP process to continue to press the Forest Service to do a professionally credible job in developing a final plan.

This is important because nothing requires the Forest Service or the President to ignore the requirements of common sense and multiple use and reduce the forest land base. There are TLMP alternatives which would maintain the land base.

The challenge today's amendment lays before Bill Clinton is to manage a Federal forest resource wisely to protect the environment, provide jobs, and sustain communities without falling back as a substitute to the old, large Federal grants programs of the past. We sincerely hope the President doesn't rely on a failed policy of large Federal grants to shore up a failed policy of forest preservation that has reduced the health of our forests nationwide.

The challenge to Phil Janik, our regional forester, is to get a lot better data before he selects an approach which costs the taxpayers $110 million. But at least the people of southeast Alaska will not be penalized if he fails to meet this responsibility.

Janik is a $110 million man. His decisions, if not wisely made, will take $110 million from the U.S. Treasury, assuming the administration does not eliminate his authority to make a decision.

Mr. DOLE. Mr. President, we have just passed in the last hour and a half the Omnibus Appropriations Act for fiscal year 1996. I think we have dealt a big blow to the era of big government. My view is the Americans—whether Republicans, Democrats or Independents—wanted us to make changes, and we have delivered a true victory for all of America's taxpayers.

We have saved $23 billion over last year's level of discretionary spending. That is $23 billion less Washington spending, and $30 billion less than the President requested. That is a lot more savings than many people predicted. I think we probably could have done more had we had a little more time. It is the biggest decrease in Washington spending in more than half a century, according to some who have been around.

It has been a long and difficult process and has taken a lot of bipartisanship in many cases, working with the White House in other cases, but it covers five separate appropriations bills, nine Cabinet agencies, and appropriates over $160 billion.

There has been a lot of back and forth with the White House. A lot of negotiations. A lot of give and take. Both sides had to give a little. Certainly nobody got everything they wanted in the final version of this bill.

But what the American people got was a spending bill that is $23 billion less than last year and $30 billion less than President Clinton's request. We did our duty for the taxpayers of America.

If we maintain our path of savings, we will stay on path to a balanced budget in 2002.

We will continue to follow through on our promise for smaller Government, less Washington spending, and letting America's working families keep more of their hard-earned money.

There is also good news in other parts of this bill. For instance, the ''stop-fril'' language will help stop frivolous inmate litigation. This much-needed legislation makes it harder for inmates to sue States and localities on prison conditions—like the prisoner who sued because he wanted ''Reebok'' brand tennis shoes instead of the ''Converse'' brand shoes provided by the prison.

Some 33 States have estimated that frivolous lawsuits cost them more than $55 million annually. We are doing something about that in this bill.

I also want to say a word about the funding restriction on Vietnam in this legislation. I am disappointed the certification standard was changed from ''fully cooperating'' to ''cooperating in full faith'' in this conference report. This is an issue of great importance to many Members of Congress, including myself. I know some voted against the entire bill because of this provision. It is also very important to me. The administration was successful in including this change, but Congress will continue to monitor cooperation on POW/MIA issues very closely—regardless of the certification standard.

I want to thank the chairman of the Appropriations Committee, Senator HATFIELD, for his leadership, and also the distinguished ranking minority member, Senator BYRD, for his leadership, in putting together this historic legislation, as well as all the other Senators on the Appropriations Committee who worked so hard and so successfully on this legislation.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

ENDANGERED SPECIES ACT

Mr. KEMPTHORNE. Mr. President, first, I would like to acknowledge the Senate Appropriations Committee chairman, Senator HATFIELD, for his efforts on bringing us to the point where we now have the appropriations bills resolved. Tough, tough assignment. Senator HATFIELD did it with a great deal of insight and skill.

Mr. President, I would like to make a few points concerning the language that is contained in the appropriations bill. I would like to reference the moratorium on the listing of the endangered species. I appreciated what the Senator from Texas, Senator HUTCHISON, stated in her comments. I also want to inform Members of the Senate as to the progress toward reform of the Endangered Species Act. The appropriations bill before us continues the moratorium language that has been in previous bills before this Congress. I remind all of us that the authorization of the Endangered Species Act expired in 1993. Yet, the act continues. And it is not working.

It also contains a provision that allows the President to waive the moratorium in its entirety. I am concerned that the latter provision will bring a halt to real progress for Endangered Species Act reform.

When the Senate adopted the omnibus appropriations bill, which continued the moratorium, I was already in negotiations on Endangered Species Act reform with Senators CHAFEE and REID. Soon following that, Senator BAUCUS joined us in a very intensive effort in finding a way to reform the Endangered Species Act in a true bipartisan fashion. We have made significant progress in these talks.

Starting in each case with Senate bill 1364, the Endangered Species Conservation Act, which I have introduced, and its companion bills, S. 1365 and S. 1366, we have come to agreement on reform of conservation plans; we are near agreement on recovery; and will soon discuss listing and consultation. There are a number of other issues, no less important, that we are already discussing that are on the table as well.

As of this week, the U.S. Fish and Wildlife Service informs me that they have proposed 239 United States and foreign species for which they have not completed final action. I am told the National Marine Fisheries Service has no proposed rules outstanding at this time.

I want to provide you with a summary of the list of proposed species that could be immediately listed upon lifting of the moratorium, which the President may do.

I ask unanimous consent that this data provided by the Department of the Interior be printed in the RECORD.

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

STATE LISTS OF SPECIES PROPOSED FOR LISTING

The U.S. Fish and Wildlife Service has proposed 239 species for which they have not completed a final action (U.S. and Foreign as of October, 1995).

The National Marine Fisheries Service has no proposed rules outstanding at this time.

Most of the 239 FWS species are from California (>120) and Hawaii (79). Twenty-five other states have from 1 to 9 species proposed more than one year ago.[1] They are:

ALABAMA

Combshell, Cumberlandian (*Epioblasma brevidans*)
Mussel, oyster (*Epioblasma capsaeformis*)
Slabshall, Chipola (*Elliptio chipolaensis*)
Bankclimber, purple (*Ellptodieus sloatianus*)
Pocketbook, shiny-rayed (*Lampsilis subanguiata*)
Gulf moccasinshell (*Medlonidus panicillatus*)
Pigtoe, oval (*Pleurobema pyriforme*)
Eggert's sunflower (*Hellanthus eggertil*)

ALASKA

Elder, Steller's (AK breeding population) (*Polysticta stellen*)

ARIZONA (9) NOTE: 8 ON MAP

Lizard, flat-tailed horned (*Phrynosoma mcalll*)
Talussnail, San Xavier (*Sonorella aremita*)
Parish's alkali grass (*Puccinella parishii*)
Spindace, Virgin (*Lepidomada mollispiris mollispinis*)
Jaguar, US population (*Panthera onca*)
Pygmy-owl, cactus ferruginous (*Glaucidium brasilianum cactorum*)
Salamander, Sonoran tiger (*Ambystoma tigrinum stebbinsi*)
Hauchuca water umbel (*Lilaeopsis schaffneriana* ssp. *recurva*)
Canelo Hills ladies'-tresses (*Spiranthes delitescents*)

ARKANSAS

Shiner, Arkansas River (native pop. only) (*Notropis girardi*)

CALIFORNIA (121) NOTE: 123 ON MAP

Sheep, Peninsular bighorn (*Ovis canadensis cremnobates*)
Lane Mountain (=Coolgardle) milk-vetch (*Astragalus jaegarianus*)
Coachella Valley milk-vetch (*Astraglus lentiginosus* var. *coachellae*)
Shining (=shiny) milk vetch *(Astragalus lentiginosus* var. *micans)*
Fish Slough milk-vetch *(Astragalus lentiginosus* var. *Piscinansis)*
Sodaville milk-vetch *(Astragalus lantiginosus* var. *sesquimetralis)*
Pairson's milk-vetch *(Astragalus magdainae* var. *pairsonil)*
Triple-ribbed milk-vetch *(Astragalus tricarinatus)*
Braunton's milk-vetch *(Astragalus brauntonil)*
Conejo dudleya *(Dudleya abramsil* ssp. *parva)*
Marcascent dudleya *(Dudleye cymosa* ssp. *marcencans)*
Santa Monica Mountains dudleya *(Dudleya cymosa* ssp. *ovatifolla)*
Verity's dudleya *(Dudleya verityl)*
Lyon's pentachaeta *(Pentachaeta lyonil)*
Hartweg's golden sunburst *(Pseudobahia bahilfolla)*
San Joaquin adobe sunburst *(Pseudobahia peirsonll)*
Fleshy owl's-clover *(Castilleja campestris* ssp. *succelenta)*
Hoover's spurge *(Chamaesyce hooveri)*
Colusa grass *(Neostaplla colusana)*
San Joquin orcutt grass *(Orcuttla inequalls)*
Hairy (=pilose) orcutt grass *(Orcuttla pilosa)*
Slender orcutt grass *(Orcuttla tenuis)*
Sacramento orcutt grass *(Orcuttla visida)*
Green's orcutt grass *(Tuctoria greenel)*
Del Mar manzanita *(Arctostaphylos glandulosa* ssp. *crassifolla)*
Encinitis baccharis (=Coyote brush) *Baccharis vanessae)*
Orcutt's spineflower *(Chorizanthe orcuttiana)*
Del Mar sand aster *(Corethrogyne filaginifolla* var. *linifolia)*
Short-leaved dudleya *(Dudleya blochmaniae* ssp. *bravifolia)*
Big-leaved crownbeard *(Verbesina cissita)*
Lizard, flat-tailed horned *(Phrynosoma mcallll)*
Splittail, Sacramento *(Pogonichthys macrolepidotus)*
Frog, California red-legged *(Rana aurora draytonl)*
Whipsnake, (=striped racer) Alameda *(Masticophis lateralis euryxanthus)*
Butterfly, Callippe silverspot *(Speyeria callippe callippe)*
Butterfly, Behren's silverspot *(Speyeria zerene behrenzil)*
Parish's alkali grass *(Puccinellia parishil)*
Stabbins morning glory *(Calystegia stubbinsil)*
Pine Hill ceanothus *(Ceanothus roderickil)*
Pine Hill flannelbush *(Fremontodedron decumbens)*
El Dorado bedstraw *(Callum californicum* ssp. *sierrae)*

[1] These lists were made from a Department of Interior list and map. Discrepancies between the list and the map in the number of proposed species in each State are shown.

Layne's butterweed *(Senacio layneae)*
Grasshopper, Zayanta band-winged *(Trimerotropis infantilis)*
Beetle, Santa Cruz rain *(Pleocoma conugens conjugens)*
Beetle, Mount Hermon June *(Polyphylia barbata)*
Jaguar, U.S. population *(Panthera onca)*
Butterfly, Quino checkerspot *(Euphydryas editha quino)*
Skipper, Laguna Mountains *(Pyrgus rurlis lagunae)*
Fairy shrimp, San Diego *(Branchinecta sandiegoenis)*
Cuyamaca Lake downingia *(Downingia concolar* var. *brevior)*
Parish's meadowfoam *(Limnanthes gracillis* ssp. *parishil)*
Rawhide Hill onion *(Allium tuolumnense)*
San Bruno Mountain manzanita *(Arctosstaphyios imbircata)*
Chinese Camp brodiaea *(Brodiaea pallida)*
Carpenteria *(Carpenteria californica)*
Mariposa pussy-paws *(Calyptridium pulchellum)*
Springville clarkia *(Clarkia springvillensis)*
Greenhorn adobe-lily *(Fritillaria striata)*
San Francisco lessingia *(Lessingia germanorum* var. *germanorum)*
Mariposa lupine *(Lupinus citrinus* var. *deflexus)*
Kelso Creek monkey-flower *(Mimulus shevockil)*
Plute Mountains navarretia *(Navarretia setiloba)*
Red Hills vervain *(Verbena californica)*
Munz's onion *(Allium munzil)*
San Jacinto Valley crownscale (=saltbush) *(Atriplex coronata* var. *notatior)*
Thread-leaved brodilaea *(brodlaea fillfolia)*
Navarretia few-flowered *(Navarretia leucocephla* ssp. *pauciflora)*
Navarretia, many-flowered *(Navarretia laucocephala* ssp. *plleantha)*
Lake County stonecrop *(Parvisadum leiocarpum)*
Suisun thistie *(Cirsium hydrophilum* var. *hydrophilum)*
Soft bird's-beak *(Cordylanthus mollis* ssp. *mollis)*
Hoffmann's Rock-crass *(Arabis hoffmannll)*
Santa Rosa Island manzanita *(Arctostaphyios confertiflora)*
Island barberry *(Barberis pinnata* ssp. *insufaris)*
Soft-leaved paintbrush *(Castilleja mollis)*
Catalina Island mountain-mahogany *(Carcocarpus trasklae)*
Santa Rosa Island dudleya *(Dudleya blochmaniae* ssp. *insularis)*
Santa Cruz Island dudleya *(Dudleya nesiotica)*
Island bedstraw *(Galium buxifolium)*
Hoffmann's gilla *(Gilla tenuiflora* ssp. *hoffmannil)*
Island rush-rose *(Helianthermum greenel)*
Island alumroot *(Heuchera maxima)*
San Clemente Island woodland-star *(Lithophragma maximum)*
Santa Cruz Island bush-mallow *(Matacothamnus fasciculatus* var. *nesioticus)*
Santa Cruz Island malocothrix *(Malacothrix indecora)*
Island malacothrix *(Malacothrix squalida)*
Island phacelia *(Phacelia insuiaris* var. *insuiaris)*
Santa Cruz Island rockcress *(Sibara flifolla)*
Santa Cruz Island lacepod (=fringepod) *(Thysanocarpus conchuliferus)*
Munchkin dudleya *(Dudleya* sp. nov. *fined* ''East Point'')
Black legless lizard *(Anniella pulchra nigra)*
Sonoma alopecurus *(Alopecurus awqualis* var. *sonomensis)*
Johnaton's rock-cress *(Arabis johnstonil)*
Pailid manzanita *(Arctostaphios pailida)*
Bear Valley sandwort *(Arenaria ursina)*
Clara Hunt's milk-vetch *(Astragalus clarianus)*
Coastal dunes milk-vetch *(Astragalus tener* var. *titi)*
White sedge *(Carex albida)*
Ash-gray Indian paintbrush *(Castilleja cinerae)*
Vine Hill clarkia *(Clarkia imbrieata)*
Gowen cypress *(Cupressus goveniana* ssp. *goveniana)*
Southern mountain wild buckwheat *(Eriogonum kennedyl* var. *austromontanum)*
Pitkin Marsh lily *(Lilium partalinum* ssp. *pitkinense)*
Yadon's piperia *(Piperia vadonll)*
Callstoga allocarya *(Plagiobothrys strictus)*
San Bernadino bluegrass *(Pos atropurpurea)*
Napa bleugrass *(Poa napensis)*
Hickman's potentillia *(Potentilla hickmanll)*
Kenwood Marsh checkemallow *(Sidalcea oregana* ssp. *valida)*
California dandelion *(Taraxacum californicum)*
Hidden Lake bluecuris *(Trichostema austromontanum* ssp. *compactum)*
Showy Indian clover *(Trifolium amoenum)*
Monterey (=Del Monte) clover *(Trifolium trichocalyx)*
San Diego thornmint *(Acanthomintha licifolia)*
Laguna Beach liveforever *(Dudleya stolonifera)*
Otay tarweed *(hemizonia conjugens)*
Willowy monardella *(Monardella linoides* ssp. *viminea)*
Nevin's barberry *(Berberis nevinll)*
Vail Lake ceanothus *(Ceanothus ophiochilus)*
Mexican flannelbush *(Fremontodendron mexicanum)*
Dehasa bear-grass *(Nolina interrata)*

COLORADO (1) NOTE: 0 ON MAP

Jaguar, US population *(Panthera onca)*

FLORIDA

Mussel, fat three-ridge *(Amblema naisteril)*
Slabshell, Chipola *(Elliptia chipolaensis)*
Bankclimber, purple *(Ellptoideus sloatianus)*
Pocket, shiny-rayed *(lampsilis subanguiata)*
Gulf, moccasinshell *(Medionidus penicillatus)*
Ochiockonee, moccasinshell *(Medionidus simpsonianus)*
Pigtoe, oval *(Pleurobema pyriforme)*

GEORGIA

Mussel; fat three-ridge (*Amblema neisteril*)
Bankclimber, purple (*Ellptoideus sloatianus*)
Pocket, shiny-rayed (*Lampsilis subanguiata*)
Gulf moccasinshell (*Medionidus penicillatus*)
Ochiockonee, moccasinshell (*Medionidus simpsonianus*)
Pigtoe, oval (*Pleurobema pyriforme*)

HAWAII

Wahane (=Hawane or lo'ulu) (*Pritchardia aylemer-robinsonll*)
Amaranthus brownli (plant-no common name)
Lo'ulu (*Pritchardia remota*)
Schledee verticillata (plant-no common name)
Delissea undutata (plant-no common name)
Kuawawaenohu (*Alsinidendron lychnoides*)
'Oha wal (*Clermontia drepanomorpha*)
Mapele (*Cyrtandra cyaneoldes*)
Hau kuahiwi (*hibiscadelphus gitfanlianus*)
Hau kuahiwi (*Hibiscadelphus hualalalensis*)
Kokl'o ke'oke'o (*Hisbiscu waimeae* ssp. *hannerae*)
Kaua'i Kokl' o (*Kokia kauaiensis*)
Alani (*Melicope zahibrucknerl*)
Myrsine llnearifolla (plant-no common name)
Neraudia ovata (plant-no common name)
Kiponapona (*Phyilostegia racemosa*)
Phyllostegia veluntina (plant-no common name)
Phyllostegia warshaureri (plant-no common name)
Hala pepe (*Pleomela hawaliensis*)
Loulu (*Pritchardia napallensis*)
Loulu (*Pritchardia schattaueri*)
Loulu (*Pritchardia viscosa*)
Schiedea membranacea (plant-no common name)
'Anunu (*Sicyos alba*)
Nani wai 'ale 'ale (*Viola kauaiensis* var. *wahiawaensis*)
A'e (*Zanthozylum dipetlum* var. *tomentosum*)
Aisinodendron viscasum (plant-no common name)
Haha (*Cyanea platyphylla*)
Haha (*Cyanea recta*)
Oha (*Dollssea rivularis*)
Phyllostegia knudsenll (plant-no common name)
Phyllostegia wawrana (plant-no common name)
Schiedea helleri (plant-no common name)
Laulihillhi (*Schleda stellarioides*)
Haha (*Cyanea remyi*)
Hau kuahiwi *(Hibiscadelphus woodll)*
Kamakahala *(Labordia tinifolla)*
Haha *(Cyanea grimesiana* ssp. *grimesiana)*
Pu'uka'a *(Cyperus trachysanthos)*
Ha'iwale *(Cyrtandra subumbeilata)*
Ha'iwale *(Cyrtandra viridiflora)*
Fosberg's love grass *(Eragrostis fosbergil)*
Aupaka *(Isodendrion laurifollum)*
Kamakahala *(Labordia cyrtandrae)*
'Anaunau *(Lepidium arbuscula)*
Kotea *(Myrsine juddil)*
Lau 'ehu *(Panicum nilheuense)*
Platanthera holochila (Plant, no common name)
Schiedea hookeri (Plant, no common name)
Schiedea nuttallii (Plant, no common name)
Trematolobella sinoularis (Plant, no common name)
Viola cabuansis (Plant, no common name)
Achyranthes mutica (Plant, no common name)
Haha *(Cyanea dunbarii)*
Ha 'lwale *(Cyrtandra dentata)*
'Oha *(Delissea subcortata)*
'Akoko *(euphorbia haelaeleana)*
Aupaka *(Isodendrion longifolium)*
Lobelia gaudichaudii ssp. *koolauensis* (Plant, no common name)
Lobelia monostechya (Plant, no common name)
Alani *(Mellcope saint-johnll)*
Phyllostegia hirsuta (Plant, no common name)
Phyllostegia parviflora (Plant, no common name)
Loulu *(Pritchardia kaatae)*
Sanicula purpurea (Plant, no common name)
Ma 'oli 'oli *(Schiedae kealiae)*
Kamanomano *(Cenchrus agrimonioides)*
Haha *(Cyanea (=Rollandia) humboldtiana)*
Haha *(Cyanea (=Rollandia) st-johnll)*
Lysimachia macima (=tenmifolia) (Plant, no common name)
Schladea kaualensis (Plant, no common name)
Schladea sarmentosa (Plant, no common name)
'Akoko *(Chamaesyca herbstll)*
'Akoko *(Chamaesyca rockii)*
Haha *(Cyanea koolauensis)*
Haha *(Cyanea acuminata)*
Haha *(Cyanea longiflora)*
Nanu *(Gardenia mannii)*
Phyilostegia kallaensis (Plant, no common name)

ILLINOIS

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*

INDIANA

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*

KANSAS

Shiner, Arkansas River (native population only) *(Notropis girardi)*

KENTUCKY

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*

Elktoe, Cumberland *(Alasmidonta atropurpurea)*
Combshell, Cumberlandian *(Epioblasma brevidans)*
Mussel, oyster *(Epioblasma capsaeformis)*
Rabbitsfoot, rough *(Quadrula cylindrica strigillata)*
Eggert's sunflower *(Hellanthus eggertll)*

LOUISIANA

Jaguar, US population *(Panthera onca)*

MAINE

Atlantic salmon *(Salmo salar)* distinct pop. in seven Maine rivers.

MICHIGAN

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*

MONTANA (1) NOTE: 0 ON MAP

Parish's alkali grass *(Puccinellia parishll)*

NEVADA (2) NOTE: 1 ON MAP

Sodaville mild-vetch *(Astragalus lentiginosus var. Piscinensis)*
Spindace, Virgin *(Lepidomeda mollspinis mollispinis)*

NEW MEXICO

Parish's alkali grass *(Puccinellia parishll)*
Spindace, Virgin *(Lepidomada mollspinis mollispinis)*
Jaguar, US population *(Panthera onca)*

OHIO

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*
Snake, Lake Erie water *(Nerodia sipadon insultarum)*

OKLAHOMA

Shiner, Arkansas River (native population only) *(Notropis girardi)*

OREGON

Golden paintbrush *(Castilleja levisetta)*

TENNESSEE

Elktoe, Cumberland *(Alasmidonta atropurpurea)*
Combshell, Cumberlandian *(Epioblasma brevidans)*
Mussel, oyster *(Epioblasma capsaeformis)*
Rabbitsfoot, rough *(Quadrula cylindrica strigillata)*
Bean, Purple *(Villosa perpurpurea)*
Spring Creek badderpod *(Lesquerella perforata)*
Eggert's sunflower *(Hellanthus eggertll)*

TEXAS (4) NOTE: 7 ON MAP

Salamander, Barton Springs *(Eurycea sosorum)*
Jaguar, US population *(Panthera onca)*
Shriner, Arkansas River (native population only) *(Notropis girardi)*
Pygmy-owl, cactus ferruginous *(Glaucidium brasillanum cactorum)*

UTAH

Spindace, Virgin *(Lepidomada mollispinis mollispinis)*
Least chub *(Lotichthys phlegethontis)*

VIRGINIA

Combshell, Cumberlandian *(Epioblasma brevidans)*
Mussel, oyster *(Epioblasma capsaeformis)*
Rabbitsfoot, rough *(Quadrula cylindrica strigillata)*
Bean, Purple *(Villosa perpurpurea)*

WASHINGTON

Golden paintbrush *(Castilleja levisetta)*

Mr. KEMPTHORNE. Mr. President, most of the 239 species are from California and Hawaii; 25 other States have from 1 to 9 species proposed each. If I may, I would like to just reference this chart and show you a sampling of what we are talking about.

In the State of California, you see ready to be listed 123 species. In Hawaii, there are 79. In State of Arizona, 8. Texas, 7 species. Alabama, 8. Georgia has 6. Florida has 7. Tennessee has 7 species. Kentucky has 6 species.

I am concerned that the President will decide to waive the moratorium. I am concerned for the people whose lives will be affected by an additional 239 species being placed on the list. These people, and those species, would fall victim to a law that does not work.

If this language passes, I urge the President to not waive the moratorium language. I hope that he will agree with me that it is better to consider these species for listing under a new reformed bill that we have worked together to create. In 23 years, since the Endangered Species Act first became law, we have made significant progress in science that has been identified, and techniques that have been utilized, and in management practices.

I remind the President that if there are species that are in imminent danger of extinction, he can still use the emergency authority to list them. Rather than exercise the waiver, I believe the administration would be wiser to accelerate negotiations with Congress on a comprehensive reform of the Endangered Species Act.

Now, should the President choose to waive the moratorium on these 239 species, there are other considerations. I think under the current law we can expect these newly listed species to be the subject of many lawsuits. The $4 million that we have provided to accomplish emergency listing activities, to manage petitions, and deal with existing lawsuits would soon be totally exhausted. Waiving the moratorium would leave us worse off than before.

I met with my negotiating partners this week. We made a commitment to continue our talks. We have made a commitment that we are going to do everything possible to reach a reformed Endangered Species Act that will have bipartisan support. I sincerely hope the possible lifting of the moratorium on listings will not change that commitment. Now I urge all of the Members of the Senate to join Senators CHAFEE, BAUCUS, REID, and myself, in reforming the Endangered Species Act this year. This is a task we must accomplish so that endangered and threatened species can be protected for future generations and, also, so that future generations will have the quality of life that goes with a strong economy. We can and, I believe with all sincerity, we will save species without putting people and their communities at risk.

DISASTER RELIEF

Mr. President, contained in the omnibus bill is disaster relief for a number of States that have experienced recent disaster. In the State of Idaho, in February, 10 of the northern counties were deemed national disasters because of the onslaught of flooding. As of yesterday, Mr. President, 6 of those 10 counties have, once again, by the Governor of Idaho, been declared disasters because the rains, once again, are hitting. In a 24-hour period, one river rose 4 feet. So, once again, we are right back in it. Therefore, these funds are so critical and the timing of this is absolutely important.

While we can rebuild and we can put back into place the infrastructure for these communities, and while people can see their homes restored, I have to point out that one of the other provisions that was lost in this omnibus bill is the fact that we no longer have the timber salvage language in there. They dropped the Senate additions made during the March conference.

I can show you in the State of Idaho miles upon miles the acres of blackened forest from forest fires. We simply wanted to get in there and be able to remove up to 10 percent of the dead trees because there is still economic value in those trees. We also wanted to remove them because they simply become new fodder for future forest fires.

That is what that language provided. It also provided jobs to the people that live in those areas that have been so devastated by the floods. Yes, we will rebuild the infrastructure. But I do not know what kind of a future is upon us now.

That is one of the implications of the passage of this omnibus bill. It concerns me deeply. And, therefore, again I urge all Members of the Senate, let us work together to find a solution to this so that we, the stewards of this land, can demonstrate our love and appreciation for this environment but also so that a good, strong environment also can produce a good, strong economy. They are not mutually exclusive.

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

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

DEPARTMENT OF DEFENSE INFRASTRUCTURE COSTS

Mr. GRASSLEY. Mr. President, I would like to speak briefly about Department of Defense [DOD] infrastructure costs.

DOD is expected to spend $152 billion in fiscal year 1996 on infrastructure. Infrastructure dollars are spent to maintain the bases, facilities, and activities that house and sustain the Armed Forces. They support costs.

The General Accounting Office [GAO] has just completed a report on DOD infrastructure costs. The report was prepared by one of GAO's best analysts, Mr. Bill Crocker.

The GAO's findings are truly amazing. Despite four rounds of base closures since 1988 and dramatic cuts in the force structure, there are no savings. DOD infrastructure costs are going up—not down.

We have had four rounds of base closures—1988, 1991, 1993, and 1995. This was the Base Realignment and Closure or BRAC process. And BRAC was quite painful for many communities.

Well, the driving force behind BRAC was ''to save money by reducing overhead.''

Mr. President, that was the promise. Streamline Defense Infrastructure and save money. That was the deal. The base structure exceeded the needs of a shrinking force structure. The whole idea was to close excess, obsolete bases and save money.

Well, once again savings promised by the Pentagon have evaporated into thin air.

Now, I know that base closings require upfront costs. In some cases, these are quite substantial. But the upfront costs are supposed to be followed by down stream savings. Secretary of Defense Perry made this very point in testimony before the Senate Armed Services Committee as recently as March 5, 1996.

This is what he said, and I quote: ''While BRAC initially costs money, there will be significant savings in the future.''

To back up his assertion, Mr. Perry points to the fiscal year 1999 budget.

Again, this is what Mr. Perry said, and I quote: ''In the FY 1999 budget, the Department projects $6 billion in savings from closing the bases, thus allowing a $10 billion 'swing' in savings.''

He went on to say:

These and future savings from baseclosing will be devoted to modernization.

Well, Mr. President, what happened to those savings?

The GAO can't find them.

The GAO audited the fiscal year 1996 to 2001 Future Years Defense Program or FYDP.

The Department's own numbers—the numbers in the FYDP—indicate that infrastructure costs will rise in the outyears.

Infrastructure costs rise as follows, beginning with fiscal year 1998: 1998, $147 billion; 1999, $152 billion; 2000, $156 billion; 2001, $162 billion.

Where are the savings promised by Mr. Perry?

Why are not those savings reflected in the department's books?

I think the GAO report provides a partial answer to the question.

It is true.

Base closing did produce some decreases in base support costs.

BRAC did produce some real savings.

But I underscore ''did,'' which is past tense.

Bureaucrats at the Pentagon don't look on savings like the average American citizen.

To bureaucrats, it is theirs to spend. It's not the peoples' money to be returned to the Treasury.

Put a sponge on it, and make it disappear. That is how they see savings.

As soon as the savings popped up on the radar screen, they grabbed the money and spent it.

Those savings are not being plowed into readiness and modernization—as Mr. Perry promised.

Those savings are being diverted into new infrastructure projects.

Those savings are being used to create more excess overhead.

''Force Management'' is an excellent case in point.

Force Management is one of the infrastructure cost categories.

More money for force management sounds reasonable enough, but it does not stand up too well under scrutiny.

Force management covers such things as military and departmental headquarters and public affairs.

To me, more money in force management means fatter headquarters.

Fattening up the headquarters doesn't come cheap, either.

Spending for expanded headquarters will rise as follows, beginning in fiscal year 1998: 1988, $13.6 billion; 1999, $15.2 billion; 2000, $16.1 billion; 2001, $17.2 billion.

Now, Mr. President, why is DOD planning to beef up headquarters, when DOD continues to make dramatic deceases in the force structure?

A much smaller force structure should be much cheaper to manage.

Right?

And a smaller force should mean much smaller and fewer headquarters.

Right?

Not at the Pentagon.

As the force gets smaller and smaller, the headquarters are getting bigger and bigger. Why?

It's needed to accommodate a top-heavy rank structure.

Base closures and realignments mean that some headquarters will have to be consolidated with others.

We know that.

But with continued shrinkage in the force structure, there still should be plenty of excess headquarters space.

There is no need to fatten up headquarters operations.

That just does not make any sense at all right now.

Mr. President, I ask unanimous consent to have printed in the RECORD two tables.

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

TABLE V–3—FORCE STRUCTURE [a] —PART V: FORMULATING THE DEFENSE BUDGET

	Cold war fiscal year 1990	Base force plan [b]	Fiscal year 1996	Fiscal year 1997	BUR-based plan [c]
Army—active divisions	18	12	10	10	10
Reserve component brigades [d]	57	34	47	42	42
Marine expeditionary force [e]	3	3	3	3	3
Navy aircraft carriers (active/reserve)	15/1	12/1	11/1	11/1	11/1
Carrier air wings (active/reserve)	13/2	11/2	10/1	10/1	10/1
Battle force ships (active/reserve)	546	430	359	357	346
Fighter wing equivalents (active/reserve)	24/12	15/11	13/8	13/7	13/7

[a] Dual entries in the table show data for active/reserve forces, except for carriers, which depicts deployable/training carriers.
[b] Bush Administration's planned fiscal year 1995 force levels, as reflected in the January 1993 Annual Defense Report.
[c] Shown are planned force levels, which may differ slightly from those recommended by the BUR, but which are consistent with its proposals.
[d] An approximate equivalent. The BUR plan calls for 15 enhanced readiness brigades, a goal that DoD will begin to reach in fiscal year 1996. Backing up this force will be an Army National Guard strategic reserve of eight divisions (24 brigades), two separate brigade equivalents, and a scout group.
[e] One reserve Marine division, wing, and force service support group supports the active structure in all cases.

TABLE V–4—DEPARTMENT OF DEFENSE PERSONNEL

[End of fiscal year strength in thousands]

	Fiscal year—			Goal	Percent change fiscal year 1987–1997
	1987	1996	1997		
Active military	2,174	1,482	1,457	1,418	−33
Army	781	495	495	475	−37
Navy	587	424	407	394	−31
Marine Corps	199	174	174	174	−13
Air Force	607	388	381	375	−37
Selected reserves	1,151	931	901	893	−19
DoD civilians	1,133	841	807	728	−27

Mr. GRASSLEY. These two tables are taken from page 254 of Secretary Perry's March 1996 report to Congress.

These tables contain the data that point to dramatic decreases in our force structure since the late 1980's.

Those tables tell the tale:

They tell me that there should be dramatic cuts in infrastructure costs.

But the savings are nowhere in sight.

Once again, the Pentagon is proving that it is incapable of allocating money in sensible ways.

Once again, the Pentagon is proving that it is incapable of saving money—even with such a golden opportunity.

Mr. President, it makes me sad to say this.

The Pentagon bureaucrats are just frittering away the money on stupid projects.

The benefits of the painful base closure process are being wasted.

If Pentagon bureaucrats have their way, the goals of base closure effort will never be reached.

The GAO has presented 13 different options for cutting defense infrastructure costs.

The GAO says these options would save about $12.0 billion between fiscal years 1997–2001.

Mr. President, I hope the defense committees will examine the GAO options.

I hope the defense committees will consider using those options to recoup some lost savings.

I hope they will do that, rather than ask for more money in this year's defense budget.

I yield the floor.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3746 TO AMENDMENT NO. 3745, AS MODIFIED

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that amendment No. 3746 be modified, and I send the modification to the desk.

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

The amendment (No. 3746), as modified, is as follows:

At the end of the amendment add the following: ''Notwithstanding any other provisions of the bill, provisions of the bill regarding the use of volunteers shall become effective 30 days after enactment''.

MORNING BUSINESS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

TRIBUTE TO M. GAYLE CORY

Mr. DASCHLE. The Senate family this week lost one of its own, Gayle Cory, the former postmaster of the Senate, who died of cancer on Wednesday evening.

Gayle's Senate career spanned 35 years. Beginning as a receptionist with Senator Ed Muskie in 1959, Gayle became the executive assistant to our former majority leader, George Mitchell, before her appointment to the Senate post office.

As an officer of the Senate, Gayle reformed and strengthened the operations of the Senate post office, improving service to Members and assuring the strong financial controls so essential as a matter of public trust. The Senate lost a dedicated employee of enormous personal integrity when Gayle resigned in January of 1995.

It was not her work, however, that defined Gayle. It was her personal warmth and her generous spirit. Gayle gave of herself and her time to all who asked—colleagues at work, constituents from Maine, citizens from around the entire country. All who turned to Gayle Cory knew they were heard and that she would do her best.

She was realistic about people's behavior but optimistic about their potential. Perhaps that is why she dedicated all of her life to public service. Gayle believed that if people were given the opportunity to behave well, most of them would, so she made it her business to create such opportunities for everyone who came into contact with her. Perhaps that is why Gayle was so well loved by so many. She brought out the best in everyone.

On behalf of the Senate family, I extend my condolences to Don Cory, Gayle's husband, to her daughters and stepchildren, to her brother, Buzz Fitzgerald, and her sister, Carol. Our prayers and our thoughts are with them.

Mr. COHEN. Mr. President, many of us in the Senate are today mourning the loss of a very dear friend, long-time aide to Senators Edmund S. Muskie and George J. Mitchell, and former Postmaster of the U.S. Senate.

Gayle Cory died Wednesday night, succumbing to the cancer that caused her retirement in January 1995 after a too brief career as Senate Postmaster. Her death comes nearly 1 month after the death of her dear friend, former Secretary of State Edmund S. Muskie. Gayle was a member of Senator Muskie's staff from the very beginning of his Senate career in 1959, and she was at his side throughout his years in the Senate. She was one of a very few Senate aides who moved with him to the Department of State when Senator Muskie was appointed Secretary of State in 1980. But their friendship, and Gayle's friendship with Jane Muskie and the Muskie children, continued long after Senator Muskie left public life.

She returned to the Senate to join the staff of former Senator George J. Mitchell. She served as his top personal assistant until he became Senate Majority Leader, when he appointed her Postmaster of the U.S. Senate. As Senate Postmaster, Gayle oversaw many improvements in the post office security operations. She also instituted many reforms which effectively preserved the integrity of the Senate Post Office during the same period of time that the House postal services were engulfed by scandal.

Gayle Cory was very special to all of us fortunate enough to know her and work with her. She did not have acquaintances * * * to meet Gayle was to be her friend, and all of us, regardless of our political affiliation, knew we could count on her help and her wise counsel. Few of us in this body today understand the workings of the Senate as thoroughly as Gayle did, and she used her knowledge and experience to work for the people of Maine. She loved Maine deeply, and the people of Maine were always her first priority. She was the first contact for many Mainers coming to Washington, and even those meeting her for the first time were made to feel welcome, to know they had found a friend. In fact recently, my office was visited by a family from Gayle's hometown of Bath, whose sole reason for stopping by was to inquire about Gayle.

Gayle worked hard and successfully over the years but she never sought personal recognition for her efforts. She was loved and deeply respected by members of my staff, many of whom kept in touch with her after her retirement. We are deeply saddened by her passing. We have lost a wonderful friend, but she will live on in our memories and in our hearts.

I want to extend my deepest sympathies to Gayle's husband, Don, to their two daughters, Carole and Melissa, and to her brother and sister, Duane Fitzgerald and Carole Rouillard of Bath, ME.

I extend my sympathies, too, to Gayle's extended family here in the Senate—the staffs of former Senators Edmund S. Muskie and George Mitchell, and the staff of the Senate Post Office. They, too, have lost a member of their family.

THE SALVAGE LAW AND NATURAL RESOURCES DECISION MAKING

Mr. HATFIELD. Mr. President, as part of the negotiations with the White House on appropriations for the remainder of Fiscal Year 1996, we have agreed to eliminate language designed to make the so-called Salvage Rider more workable for the Administration. To my colleagues with whom I worked to fashion this language, let me say that I did not drop it willingly. I dropped it in the face of a direct and specific veto threat by the President. I continue to believe it is sound policy and makes many desirable changes to the original salvage law.

This language would have given the Administration the authority, for any reason, to halt for 90 days the green tree sales released under Section 2001(k) of the law on which harvesting had not begun by March 28, 1996. During that 90 day period, the President would have been able to negotiate with contract holders to provide replacement timber or a cash buy out as a substitute for harvesting the original timber sale. Current law restricts the President's ability to enter into such agreements.

The proposed language would also have lifted the completion deadline imposed by current law so that the owners of these sales would not have been rushed to harvest their timber before the deadline. By lifting that deadline, I sought to provide a longer time frame for parties to negotiate with the Administration on mutually agreeable ways to avoid operating sales that may have adverse environmental consequences.

Mr. President, I have always believed that the high road for public officials is in solving legitimate policy problems, not in retaining issues for some perceived partisan gain. In negotiating improvements to the current timber salvage law, it is my view that the Administration dropped the former approach for the latter. The President determined, for reasons that puzzle me greatly, that he was unable to embrace the additional flexibility that we had offered to him under the salvage law. I can only assume that the White House has determined that retaining the issue as a political cudgel is more valuable during an election year than actually solving the problem.

Recall that when the President signed this measure into law, he issued a statement praising Congress for making a number of changes that would greatly improve the provision. Soon thereafter, with the wrath of the environmental community unleashed upon it, the White House changed its tune. The new, and unflattering, message was that the President had been duped into signing the Salvage law.

As someone intimately involved in much of the process, I can say with absolute confidence that the White House was aware of every letter in this provision. It was negotiated in excruciating detail over a period of 6 months.

Even though I am convinced the White House was fully aware of what was included in the current salvage law, I appreciate the controversial nature of the subject matter and the need to address genuine problems with the law. For this reason, I have attempted in good faith to address the President's legitimate concerns. In fact, I share a number of the same concerns. Since December, when the White House first approached me for assistance in amending this law, my staff and I have met repeatedly with the President's staff. I have responded to the White House's concerns by proposing effective solutions that are, frankly, difficult for supporters of the Salvage Law to accept.

It now appears to me that the thinking at the White House has again changed since we began our meetings last December. Only the President and his advisors know the political calculus behind his decision to reject this language. Most of the changes to the current salvage law were suggested by the White House. It would have given the President the unilateral authority to immediately halt the very timber sales he has publicly objected to.

By threatening to veto the entire budget agreement over the inclusion of this single provision, the President appears to be willing to continue the budget stalemate and furlough thousands of Federal workers in order to play politics with the forests of the Northwest.

I hope the President's advisors will keep this language handy. Later this summer, these sales will be rapidly harvested prior to the deadline and within weeks of the November election. I am confident the President will wish he had the substantial authority the Congress had offered to give him and which he had originally requested. He could have stopped the very sales he and the environmental community have objected to so strongly in the press. Let no one be confused about why the President lacks the authority to resolve concerns with these sales—the President rejected it.

It is my belief that the White House rejected this reasonable language because of its fear of being at odds with the environmental community. The position of the environmental community is total repeal and they oppose anything less.

I told the President when he was about to announce his forest plan for the Pacific Northwest that his advisors were putting him in a box in which he would have no choice but to take the extreme position. Today, the President has found himself inside that same box.

The historic timber debates in the Northwest have never been about owls or old growth. I have argued for many years that the true agenda of many in the environmental community is to eliminate timber harvests on Federal lands—zero cut. Now this view is in the mainstream of the environmental movement, a movement the President is determined to satisfy.

The Sierra Club voted 2-to-1 this week to back a ban on logging of any kind on all Federal land. The adoption of this single-minded preservation perspective by one of our Nation's largest environmental organizations has finally disrobed the underlying agenda of the environmental community—lock-up of our Nation's forests. We can now debate the merits of entirely eliminating timber harvest on our millions of acres of Federal lands.

Today, in Oregon, the zero-cut proposition has been put squarely before the public in the form of the Enola Hill timber sale.

This sale is about 40 miles outside Portland on the way to Mount Hood. The Forest Service initially prepared this sale in 1987. Since then, it has undergone a long and distinguished legal history. It has been unsuccessfully challenged in four separate lawsuits. It is now in the midst of its fifth legal action and was the focus of hundreds of protesters last week.

With this kind of controversy and divisive legal history, one might imagine that the Enola Hill sale involves critical salmon habitat, various listed endangered species, miles of new forest road construction or huge clearcutting of 1,000-year-old trees. My colleagues may be surprised to learn that the Enola Hill sale involves none of these controversial things.

There are no Endangered Species Act concerns with this sale. There are no spotted owls, no marbled murrelets, no endangered salmon runs to be concerned about in the area.

The sale is comprised of second growth timber, not old growth.

The sale is not a clearcut, but rather a 250 acre selective cut which will remove about one third of the trees. The entry will hardly be visible when the sale is completed.

The sale involves no new roads to be built. How can this be? Because all logs will be removed by helicopter, a fairly expensive, but much more common practice in timber management in the Northwest today.

The sale has the further attribute of addressing a very real forest health problem. Laminated root rot is killing these trees that are to be harvested. This sale is designed to slow the spread of this disease to other forest stands.

So why all the controversy? The primary challenge to this sale is cultural. A number of individual Native American tribal members have argued that the Enola Hill area is sacred. However, no Tribe has objected to the sale going forward, including the largest Tribe in my State and the one in closest proximity to the sale area, the Warm Springs Tribe.

The Courts and the Forest Service have weighed the questions of cultural significance of the site and the evidence has been inconclusive at best. The Forest Service continues to state its willingness to consider adjusting the sale to accommodate any identified culturally significant areas, but those individual tribal members who object to the sale refuse to identify any particular areas as being any more culturally significant than other areas in the Mount Hood National Forest. I have chosen to highlight this sale only because the environmental community has chosen to highlight it. It is the flagship sale for the Northwest environmentalists as they protest ''lawless logging.''

I have a difficult time locating any environmental issue on the Enola Hill sale that would not be present in any timber sale. We have now reached the bottom line debate: Is cutting down trees in our national forests to satisfy the public's increasing demand for wood products inherently unsound from an environmental perspective?

In this debate, the environmental community's true agenda comes through loud and clear: zero cut, lock up. This position is socially and environmentally irresponsible and I reject it in the strongest possible terms.

As I have said before, I do not enjoy seeing trees being cut down. I am a former tree farmer. I plant trees. Like many others, however, I enjoy having a

roof over my head. I enjoy having furniture to sit on, and I imagine my colleagues enjoy these beautiful wooden desks and the wood paneling here in the Senate Chamber. The demand for wood products to fulfill our Nation's housing and other wood fibre demands is growing, Mr. President, not shrinking. Fortunately, our primary resources for meeting these demands, wood products, are renewable and are grown from free solar energy.

Moreover, arguably the greatest tree growing region in the world is the Pacific Northwest. It troubles me greatly that timber harvesting in this very region has been drastically reduced and is now well below scientifically sustainable levels.

With demand continuing to rise, America is now forced to look elsewhere to satisfy its needs. I have called this practice Environmental Imperialism—lock up our own forests but go to the Third World and other countries to satisfy American demand. Unfortunately, most, if not all, of these countries do not have comprehensive forest practices statutes in place like we do here. Their harvesting is most often based on satisfying economic needs without consideration for ecological concerns.

I have seen the detrimental effects of this U.S.-centered policy with my own eyes. I traveled to Russia last summer, and I learned of an interesting comparison—the timber lands of Siberia are 15 times less productive than the timber lands in western Oregon. In other words, it takes 1.5 million acres of Siberian timber land to grow the same amount of timber we can grow on 100,000 acres in the Northwest. I have also recently visited the rain forests of South America and seen the impacts that the exporting of our domestic problems has caused in that area.

These experiences have helped me put the global nature of our timber policies in perspective. When we reduce timber production from the great timber growing lands of the Pacific Northwest, there is an undeniable global impact.

I believe that the administration wants to be sensitive to the global effects of our environmental policies in this country. I want to commend Secretary of State Christopher for his commitment to looking at environmental issues on a global basis. However, along with this view must come the recognition that not only do the practices of other nations impact us here in the United States, but that our domestic practices and policies also have a great impact on other nations.

Mr. President, I have always believed that we have a responsibility to conserve our natural resources. I have authored nearly 1.5 million acres of wilderness legislation in Oregon and added 44 river segments to the National Wild and Scenic Rivers System. At the same time, I believe that we have a moral obligation to satisfy the demand of Americans with the wise use of American resources, not by going abroad to rape the resources of other countries.

Unfortunately, Mr. President, with its latest action to oppose giving itself flexibility on the Salvage Rider, the White House has chosen political convenience over the best interests of the environment both in the Pacific Northwest and throughout the world. The provisions stricken from the Omnibus Appropriations package would have given the President significant authority to resolve problems with sales released under the current Salvage Law. I hope that in the future our negotiations will hinge on the resolution of legitimate policy issues, rather than clinging to a political issue for perceived partisan advantage.

Mr. President, I ask unanimous consent that the rejected language, and a letter related to the issues I have raised here be printed in the RECORD.

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

SALVAGE FLEXIBILITY LANGUAGE—DROPPED

SEC. 325. Section 2001(k) of Public Law 104–19 is amended by striking ''in fiscal years 1995 and 1996'' in paragraph (1), and by striking paragraph (3) and inserting in lieu thereof:

''(3) TIMING AND CONDITIONS OF ALTERNATIVE VOLUME.—For any sale subject to paragraph (2) of this subsection, the Secretary concerned shall, and for any other sale subject to this subsection, the Secretary concerned may, within 7 days of enactment of this paragraph notify the affected purchaser of his desire to provide alternative volume, and within 90 days of the date of enactment of this paragraph, reach agreement with the purchaser to identify and provide, by a date agreed by the purchaser, a volume, value and kind of timber satisfactory to the purchaser to substitute for all or a portion of the timber subject to the sale, which shall be subject to the original terms of the contract except as otherwise agreed, and shall be subject to paragraph (1). Upon notification by the Secretary, the affected purchaser shall suspend harvesting and related operations for 90 days, except for sale units where harvesting and related activities have commenced before March 28, 1996. Except for sale units subject to paragraph (2), the purchaser may operate the original sale under the terms of paragraph (1) if no agreement is reached within 90 days, or after the agreed date for providing alternative timber until the Secretary concerned designates and releases to the purchaser the alternative timber volume in the agreement. The purchaser may not harvest a volume of timber from the alternative sale and from the portion of the original sale to be replaced which has greater contract value than the contract value of the alternative sale agreement. Any sale subject to this subsection shall be awarded, released and completed pursuant to paragraph (1) for a period equal to the length of the original contract, and shall not count against current allowable sale quantities or timber sales to be offered under subsections (b) and (d). A purchaser may enforce the rights established in this paragraph to obtain substitute timber within the required or agreed upon time frame in federal district court.

''(4) BUY-OUT AUTHORIZATION.—The Secretary concerned is authorized to permit a requesting purchaser of any sale subject to this subsection to return to the Government all or a specific volume of timber under the sale contract, and shall pay to such purchaser upon tender of such volume a buy-out payment for such volume from any funds available to the Secretary concerned except from any permanent appropriation of trust fund, subject to the approval of the House and Senate Committees on Appropriations. Such volume and such payment shall be mutually agreed by the Secretary and the purchaser. Any agreement between the purchaser and the Secretary shall be reached within 90 days from the date on which the negotiation was initiated by the purchaser. The total sum paid for all such buy-out payments shall not exceed $20,000,000 by each Secretary and $40,000,000 in total. No less than half of the funds used by the Secretary concerned must come from funds otherwise available to fund Oregon and Washington programs of the Forest Service and the Bureau of Land Management. The Secretary is authorized to offset any portion of a buy-out payment agreed under the provisions of this paragraph with an amount necessary to retire fully a purchaser's obligation on a government guaranteed loan.''

Section 325. Deletes language regarding the redefinition of the marbled murrelet nesting area and inserts a new provision that amends subsection 2001(k) of Public Law 104–19 to provide alternative timber options or buy-out payments to timber purchasers for both Forest Service and Bureau of Land Management sales offered or sold originally in units of the National Forest System or districts of the Bureau of Land Management subject to section 318 of Public Law 101–121. The new language neither expands nor reduces the sales to be released under subsection 2001(k). The managers do not intend to interdict or affect prior or pending judicial decisions with this language.

The provision increases the Administration's flexibility by allowing the Secretary concerned to notify a purchaser within 7 days, and agree with a purchaser within 90 days of the date of enactment, to provide alternative volume for part or all of any sale subject to subsection 2001(k) in a volume, value, and kind satisfactory to the purchaser, by a date agreed by the purchaser. The precise designation of alternative timber need not occur within the initial 90-day period. Upon notification by the Secretary, the purchaser shall suspend harvesting and related operations for 90 days, except for sale units where harvesting and related activities have commenced before March 28, 1996. For any sale that cannot be released due to threatened or endangered bird nesting within the sale unit, the amendment requires the agreement for alternative volume, in quantity, value, and kind satisfactory to the purchaser, and by a date agreed by the purchaser, to be reached within 90 days of the date of enactment of this section.

The Administration has delayed implementing subsection 2001(k) well beyond the original 45-day time limit set by Congress, and still has not released all the sales required under the statute. Therefore, except for sale units affected by paragraph (2) of subsection 2001(k), the purchaser may operate the original sale under subsection 2001(k) if: 1) the Secretary has not designated and released timber by the date agreed or 2) if no agreement has been reached 90 days after notification. Also, a purchaser may enforce the rights established in this paragraph to obtain substitute timber within the required or agreed time frame in Federal district court. The managers continue to endorse the statement of the managers language accompanying the conference report on the 1995 Rescissions Act (House Report 104–124; Public Law 104–19) relating to section 2001(k).

A purchaser may not be compelled to accept alternative volume over the purchaser's

objection, as he cannot be under present law. The purchaser may not operate on both the portion of the original sale to be replaced, and the alternative timber such that the combined contract value harvested exceeds the contract value of the alternative timber in the agreement. Sales with alternative volume under the amendment are subject to the original terms of the contract unless the parties agree otherwise and are subject to paragraph (1) of subsection (k). Any alternative volume under paragraph (3) shall not count against current allowable sales quantities or timber sales to be offered under subsections (b) and (d) of section 2001 of Public Law 104–19. Alternative volume may, at the Secretary's discretion, come from areas not otherwise contemplated for harvesting.

To avoid forcing purchasers to operate sales hastily before environmental considerations can be taken into account, the limitation in paragraph (1) to fiscal years 1995 and 1996 is deleted, and all sales awarded or released under subsection 2001(k) are now subject to the legal protections in paragraph (1) for a period equal to the length of the original contract (including any term adjustment or extensions permitted under the original contract or agreed by the Secretary and the purchaser). The period of legal protection for each sale begins when the sale is awarded or released under subsection 2001(k), or when alternative volume is provided under this statute.

The provision also gives the Secretary of the Interior and the Secretary of Agriculture, upon request of a sale owner, the authority to purchase all or a specific volume of timber under the sale contract covered under this subsection. Payment may be made directly to the purchaser, or to agents or creditors to retire fully the purchaser's obligation on a government guaranteed loan. The volume and payment must be mutually agreed by the Secretary and the purchaser. The payments would come from any funds available to the Secretary concerned, except for any permanent appropriation or trust funds, such as the timber salvage sale funds and the Knudsen-Vandenburg fund. In order to relieve partially the burden on programs in the rest of the nation, no less than half of the funds used for the payments must come from accounts which otherwise would be available to the Secretaries for Oregon and Washington programs of the Forest Service and the Bureau of Land Management. The Secretaries shall follow established reprogramming procedures when seeking the approval of the House and Senate appropriations committees to designate funds for the buy-out payments. Each Secretary may use up to $20 million for such payments. Any agreement between a purchaser and the Secretary concerned shall be reached within 90 days of the date on which a negotiation was initiated by the purchaser.

THE CONFEDERATED TRIBES OF THE WARM SPRING RESERVATION OF OREGON, NATURAL RESOURCE DEPARTMENT,

Warm Spring, OR, April 3, 1996.

KATHLEEN MCGINTY,
Chair, Council on Environmental Quality, Washington, DC.

DEAR CHAIR MCGINTY: The April 10, 1996 correspondence to President Clinton from Richard Moe, president of the National Trust for Historic Preservation, regarding Enola Hill and its potential eligibility to the National Register of Historic Places and related issues is extremely dismaying. During the past 10 years the Mount Hood National Forest administrators and technical staff have consulted at both the government to government and technical levels regarding resource issues at Enola Hill.

The destruction issue raised by the opponents of the Enola Hill timber sale is debatable. It is our understanding through direct coordination and consultation with the Mount Hood National Forest staff and administrators that the sale is being implemented to insure the forest health on Enola Hill. The existing timber stand is approximately 80 to 100 years old and represents a monoculture of Douglas fir which is being affected by laminated root rot. This affliction is endemic, yet can be controlled through stand manipulation. The proposed treatments through harvest and introduction of fire and pathogen control will mimic the natural stand regimes present in the region prior to Euro-American settlement. The timber sale will thus add to the quality of the natural and cultural landscape.

The planning process for the Enola Hill timber sale has to our satisfaction attempted to document the tangible and intangible values associated with the area. It is also our understanding that the C6.24 clause of the award contract is to insure that upon discovery of any properties potentially eligible to the National Register of Historic Places all work will cease and mitigation measures developed in conjunction with professional staff and in consultation and coordination with the Confederated Tribes of the Warm Springs and public.

Ongoing claims and concerns regarding Native American traditional use and cultural resources at the Enola Hill area has created an air of controversy within the Native American community, the Forest Service, non-native people and the judicial system. Our tribal government adopted the ''Warm Springs Tribal Council Position Paper Regarding Enola Hill'' through Resolution 8607 on January 19, 1993 in the interest of the Tribe and its members. This position paper firmly expresses that the Warm Springs elders and religious leaders are the only Indian people with the sovereign authority to speak about the cultural significance of Enola Hill as well as the entire area surrounding Mount Hood. The proposed timber sale opposition to Enola Hill are voices of those individuals not from our tribes who claim the right to speak as Indian people about cultural significance, traditional uses and sacred sites.

We are currently unaware of any tribal government request to consider Enola Hill as a ''traditional cultural property'' eligible for inclusion to the National Register of Historic Places. A true traditional Indian interpretation of cultural significance of any part of Mount Hood whether within the ceded or traditional lands is based on a special relationship of Warm Springs tribal members and their ancestors since time immemorial with Wy'east or Mount Hood. Consent for use has and is still based on ancestral courtesy and custom with regard to exercising aboriginal and treaty rights within the ceded or traditional use lands.

In addition it is the Tribal Council position that ''the Federal Government, the State of Oregon, the Federal Court, and the non-Indian public, look to our people for the answers to their questions about what Mount Hood, including Enola Hill, means to the traditional people of this area. We are those people and we should be the only ones to answer those questions.''

Sincerely yours,

CHARLES R. CALICA,
General Manager.

RESOLUTION

Whereas, The Tribal Council has determined that the controversy over management of the area of Mount Hood National Forest called ''Enola Hill'' is of great concern to the Tribe; and

Whereas, Non-Indians and Indians from other tribes have made many public claims about the cultural and spiritual significance of Enola Hill; and

Whereas, The Tribal Council believes that our tribe has primary rights in the Mount Hood area and that we are the only Indian people with the sovereign authority to speak about the importance of Enola Hill to Indian people; and

Whereas, The Tribal Council has reviewed the ''Warm Springs Tribal Council Position Paper Regarding Enola Hill'' attached to this resolution as Exhibit ''A'', and believes that the approval of this position paper is in the best interest of the Tribe and its members; now, therefore

Be it *Resolved*, By the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon pursuant to Article V, Section 1 (1) and (u) of the Constitution and By-Laws that the ''Warm Springs Tribal Council Position Paper Regarding Enola Hill'' attached to this resolution as Exhibit ''A'', is hereby approved and adopted.

CERTIFICATION

The undersigned, as Secretary-Treasurer of the Confederated Tribes of the Warm Springs Reservation of Oregon, hereby certifies that the Nineteenth Tribal Council is composed of 11 members of whom 7, constituting a quorum, where present at a meeting thereof, duly and regularly called, noticed, convened and held this 19th day of January 1993; and that the foregoing resolution was passed by the affirmative vote of 6 members, the Chairman not voting; and that said resolution has not been rescinded or amended in any way.

WARM SPRINGS TRIBAL COUNCIL POSITION PAPER REGARDING ENOLA HILL

This paper represents the official position of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon regarding the controversy over logging and other activities in the area of Mount Hood National Forest known as ''Enola Hill.''

Enola Hill is part of Zig Zag Mountain and is located north of U.S. Highway 26 on the lower slopes of Mount Hood near the community of Rhododendron, Oregon. The entire area surrounding Mount Hood, including the headwaters of the Sandy, Zig Zag, and Salmon Rivers where Enola Hill is located, is very familiar to our people. The seven bands and tribes of Wasco and Sahaptin-speaking Indians who signed the Treaty with the Tribes of Middle Oregon of June 25, 1855, all lived within close proximity to Mount Hood. The mountain itself, the trees and berries and plants that grow on its slopes, the deer and elk and other wildlife that call the mountain home, and the rivers, springs and other waters that originate on Mount Hood, and the fish and other creatures that live in these waters, all occupy a special place in the cultural, spiritual and historical life of our people.

There is no federally recognized Indian tribal government in existence today with closer ties to Mount Hood than the Confederated Tribes of the Warm Springs Reservation of Oregon. In pre-treaty times, Mount Hood rose high into the sky above our traditional homes along the Columbia River and its Oregon tributaries. Today, the mountain is located mostly within our treaty-reserved ceded area and just outside of the Northwest boundary of our present reservation. In short, we regard Mount Hood as our mountain.

Based on our special relationship with Mount Hood, which has existed since time immemorial, we believe that no other tribe, band or group of Indian people has a right greater than or equal to the natural sovereign right of the Confederated Tribes of the Warm Springs Reservation of Oregon to speak about the importance of Mount Hood

from an Indian point of view. Our historic, cultural and spiritual attachment to Mount Hood has caused us to be involved in many public policy, administrative and legal proceedings involving use and development of the mountain. Currently, we are party to several legal proceedings involving land management decisions of the Mount Hood National Forest. We are concerned about these decisions because of the potential impacts of these developments on our treaty fishing rights, and other legally protected interests. We are, for example, the only tribes involved in the Mount Hood Meadows Ski Area expansion proceedings. We believe that Mount Hood National Forest should consult only with our tribe on issues relating to proposed developments on public lands in the vicinity of Mount Hood.

With regard to the area called ''Enola Hill,'' our people are familiar with this place. Many of our elders camped with their families in this area, fished for salmon and picked huckleberries in the general vicinity of Enola Hill. Whether there is special cultural significance to Enola Hill as a whole, and whether there are special religious and spiritual places there, is not something we wish to speak about in a position paper or put down in writing. In the past, our tribal elders have provided such information to appropriate officials once they have been assured of confidentiality and convinced of the serious need for the information. However, we are concerned that culturally sensitive information our elders have disclosed concerning Enola Hill could be exploited and used for improper purposes. Unwarranted public access to such information through the courts or the media only makes our job of protecting our people's sacred sites more difficult. We hope that the cure does not become worse than the affliction.

We believe very strongly that only Warm Springs tribal elders and religious leaders should be questioned on this issue. Certain individuals who are not from our tribe, and indeed some of them are not even Indian, have spoken out frequently and loudly about what they believe is the desecration of sacred Indian religious places at Enola Hill. Mount Hood, including Enola Hill, is not theirs—it is ours. It is not for them to talk about the traditional Indian cultural and religious significance of any part of Mount Hood. It is the mountain of our people and we believe that we should be the only ones asked to give the true traditional Indian interpretation of the significance of any part of the Mount Hood region. For this reason, we oppose the voices of those individuals about the importance of Enola Hill. Furthermore, we ask that the Federal Government, the State of Oregon, the Federal Court, and the non-Indian public, look to our people for the answers to their questions about what Mount Hood, including Enola Hill, means to the traditional Indian people of this area. We are those people, and we should be the only ones to answer those questions.

Dated: January 20, 1993.

NATIONAL ORGAN DONOR AWARENESS WEEK

Mr. KENNEDY. Mr. President, this week is National Organ Donor Awareness Week. It is a privilege to be part of this important effort to increase public awareness about the need for donors. Organ donation literally saves lives. It truly is the gift of life.

As Carl Lewis, the Olympic Gold medalist, told the Labor and Human Resources Committee in his testimony this week, ''One thing about organ and tissue donation: it is the absolute definition of altruism—giving solely for the sake of giving . . . It is an opportunity that is almost impossible to find anywhere else you might look. It is the opportunity to actually save the life of another human being.''

Eleven years ago, a Massachusetts constituent, Charles Fiske, came to Congress and testified eloquently about the financial and emotional ordeal of his family's search for a liver transplant for their 9-month-old daughter. Out of that testimony came a long-overdue national effort to increase the number of organ donors, enhance the quality of organ transplantation, and allocate the available organs in a fair manner. In 1984, President Ronald Reagan signed the National Organ Transplant Act into law. Its primary goal was to assure patients and their families a fair opportunity to receive a transplant, regardless of where they live, who they know, or how much they could afford to pay. We have not yet achieved these goals, but we are closer to them today.

Additional legislation is now pending. The Organ and Bone Marrow Transplant Program Reauthorization Act was recently approved unanimously by the Senate Labor and Human Resources Committee, and is now awaiting action by the full Senate. That measure will improve the current organ procurement and allocation systems by earmarking funds for public education, training health professionals and others in appropriate ways to request donations, improving information for patient, and increasing the role of transplant recipients and family members in these efforts.

Legislation will help, but the shortage of organs for transplantation cannot be solved by legislation alone. Our goals can be achieved only through broad participation by people across the country.

Every day, eight Americans die who could have lived if they had received a transplant in time. Last year, 3,500 patients died because no donor was available, including 173 from Massachusetts. As technology for transplants continues to improve, the gap between demand and supply will continue to widen. The number of persons needing transplants has doubled since 1990. A new name is added to the list every 18 minutes.

Currently, 45,000 Americans are in need of an organ transplant, including 1,400 children. By the end of this year, the total is expected to exceed 50,000. Despite the need, fewer than 20,000 transplant operations will be performed in 1996—because of the shortage of donors.

In part, we are not obtaining enough donors because of the myths surrounding organ donation. Many citizens don't know that it is illegal in this country to buy and sell organs. There is no age limit for donors. Donations are consistent with the beliefs of all major religions.

Except in rare cases such as kidney transplants among close relations, virtually all donations actually take place after death, in accord with the wishes of the donors and their families. The removal of the organs does not interfere with customary burial arrangements or an open casket at the funeral, since the organ is obtained through a normal surgical procedure where the donor s body is treated with respect.

The decision to become a donor will not affect the level of the donor's medical care, or interfere in any way with all possible efforts to save patients where the patients are near death. We need to do all we can to dispel the myths that contradict these facts.

Most important, as members of Congress, we can lead by example, by signing our own organ donor card. I have done so and I have discussed organ donation with my family, so that they know my wishes. Senator FRIST and Senator SIMON have urged all of us in the Senate to sign organ donor cards, and over 50 Senators have now done so.

I encourage all of my colleagues to become organ donors. We must do more, and we can do more, to save the lives of those who need transplants. Each of us can save several lives by agreeing that we ourselves will be donors. And we can save many more lives as other Americans learn from our examples and become donors themselves.

JUNK GUN VIOLENCE PROTECTION ACT

Mrs. BOXER. Mr. President, along with my colleague from New Jersey, Senator BRADLEY and my colleague from Rhode Island, Senator CHAFEE, I have introduced legislation to ban the production and sale of junk guns—or as they are sometimes called, Saturday night specials. My bill would take the standards for safety and reliability that are currently applied to imported handguns, and apply them to domestically produced firearms. It is a simple common sense proposal that deserves the support of all Senators.

I had a meeting with a very special physician today and I want to share with my colleagues some of the things that I learned. Dr. Andrew McGuire is Director of the Trauma Foundation, a nonprofit organization based out of San Francisco General Hospital. The Trauma Foundation has a simple goal: keep people out of the emergency room.

Several years ago, Dr. McGuire was asked to write a policy paper aimed at developing strategies to curtail violence in the San Francisco area. He concluded that something had to be done to curtail the proliferation of handguns. Specifically, he advised banning these cheap, poorly constructed junk guns.

Since then, Dr. McGuire has been on a crusade to educate the country about

the danger of junk guns. He has developed a national network of trauma surgeons to spread the word about gun violence. On this issue, we should listen to our doctors. They are the ones who see the destruction caused by these weapons first hand.

Some of the statistics Dr. McGuire shared with me were truly frightening. Since 1930—when statistics were first recorded—more than 1.3 million American have died of gunshots. That is more Americans than died in all of our wars since the Civil War.

Two weeks ago, the Children's Defense Fund released a study showing that nationwide gunshots were the second leading cause of death among children. In California, gunshots are No. 1.

Let me say that again. Among California children ages 0 to 19, gunshots are the single leading cause of death. More die of gunshots than automobile accidents or any disease. That is a crisis that I, as a Senator from California, cannot overlook.

We must do something to stop this epidemic of violence. Passing the Junk Gun Violence Protection Act, would be an excellent step.

A PRESCIENT MOMENT 25 YEARS PAST

Mr. PELL. Mr. President, one of the great benefits that accrues to those of us who have served in the U.S. Senate over a period of time—measured not in years but in decades—is that of perspective. Serving here since my election in 1960 has provided me with a gift of hindsight that only time and experience can produce.

It was 25 years ago this week that I participated in a historic Senate Foreign Relations Committee hearing. We scheduled that hearing to provide leaders of the anti-war movement with a legitimate forum to focus their collective anger and voice their passionate resistance to a heart-rending war that was dividing this country.

I remember this hearing clearly. It was held during the historic encampment of Vietnam veterans in our Capital City and the committee invited the veterans to testify. It was from the witness table in our hearing room, in what was then the New Senate Office Building, that the veterans sounded their call for an end to the war.

What stands out most in my mind, however, was the testimony, the eloquence and the authority of a tall, lanky young man who testified on behalf of his friends and peers. A decorated hero, he was speaking for those who were paying the ultimate price for a disastrous foreign policy.

The large hearing room was crowded and the tension was electric. As I sat behind the raised dais, with Senators William Fulbright, our chairman; Stuart Symington, George Aiken, Clifford Case, and Jacob Javits, I remember looking at the drama before us and saying that the young man who was testifying should be on my side of the dais.

He had just returned from the war and had been decorated for heroism, having been injured in combat (three Purple Hearts) and saved the lives of his Swift Boat crewmen (a Silver Star and two Bronze Stars). As an early and outspoken opponent of the war myself, I knew him and had worked to win support for him and his fellow anti-war veterans.

After his testimony, when it became my turn to address him, I welcomed him with these words: ''As the witness knows, I have a very high personal regard for him and hope before his life ends he will be a colleague of ours in this body''. That young man was JOHN KERRY.

Mr. President, since that historic time, one which truly marked a milestone in the shift of public opinion, I have come to know JOHN much better. I am happy to find that history has proven me right—both in my opposition to the war in Vietnam and in my glimpse of a young man's future.

When JOHN KERRY, as the Junior Senator from Massachusetts, joined us on the Foreign Relations Committee, I could not have been more delighted with my prescience.

During my service Chairman of the Committee, I asked him to handle the State Department authorization bill—one of the major annual bills that come before the committee—because I knew he had the knowledge, the mastery of the legislative process and the negotiating skills to do the job.

I was right. Senator KERRY has skillfully managed that bill several times now. And in the past year he negotiated with the Chairman JESSE HELMS, over an intensely difficult question, and acquitted himself superbly.

Perhaps his greatest contribution, however, has been his chairmanship of the Senate Select Committee on POW/MIA Affairs. Thanks to JOHN KERRY's doggedness and leadership, we are finally on the path to healing the wounds and closing the last chapter on a painful time in American history—that of the Vietnam war.

ADDRESS BY SENATOR JOHN MCCAIN AT THE DOW JONES AND COMPANY DINNER

Mr. NICKLES. Mr. President, I ask unanimous consent to insert into the RECORD the remarks delivered by the distinguished Senator from Arizona [Mr. MCCAIN] to Dow Jones and Company on April 23, 1996.

In his remarks, Senator MCCAIN addresses a very important issue: what are the obligations of a candidate for the presidency in how he criticizes his opponent—a sitting President—when the President is abroad representing the United States? As he points out, the Clinton administration is insisting on a double standard. During the 1992 campaign, when then-Governor Bill Clinton was challenging President Bush, candidate Clinton had no hesitation in taking President Bush to task even on foreign policy and national security topics while President Bush was outside of the United States meeting with world leaders. On the other hand, now, in 1996, when Bill Clinton is the incumbent, he is criticizing his challenger, the Republican leader, for his recent comments on the Clinton domestic record—specifically on the issue of Federal judges. As Senator MCCAIN details the matter, there is simply no precedent for the White House's distorted and self-serving assertions. I hope all of my colleagues will take a look at these remarks, as well as members of the media who are interested in setting the record straight.

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

ADDRESS BY SENATOR JOHN MCCAIN

Thank you. I welcome this opportunity to have as a captive audience people whose attention I spend a fair amount of time trying to get. Al Hunt told me that I could speak on any subject I wished to, and never one to waste such opportunities, I want to spend some time this evening analyzing in detail the pathology of karnal bunt, the fungal disease afflicting wheat crops in Arizona. . . . Or perhaps I should save that analysis for a speech to the New York Times.

I will instead ask your indulgence while I talk a little bit about the press and the presidential race. As I will include a few constructive criticisms in my remarks, I want to assure everyone here that I exempt you all from any of the criticisms that follow. Each and everyone of you has my lasting love and respect.

I would like to begin by quoting a presidential candidate.

''What's the President going to Japan for? He's going to see the landlord.''

Here's another quote:

''[The President] has slowed progress toward a healthier and more prosperous planet. . . . He has abdicated national and international leadership on the environment at the very moment the world was most amenable to following the lead of a decisive United States.''

And one more:

''[The President should not give trade preferences] to China while they are locking their people up.''

Now, let me offer a quote of more recent vintage by that same individual.

''I like the old-fashioned position that used to prevail that people didn't attack the president when he was on a foreign mission for the good of the country. It has been abandoned with regularity in the last three and a half years. But I don't think that makes it any worse a rule.''

President Clinton is, of course, the author of all four quotations. The first three—those he made as a candidate for President—were delivered while former President Bush was on foreign missions ''for the good of the country,'' in Japan and Brazil.

The last quote was taken from the President's Moscow press conference last Saturday when he responded to Senator Dole's criticism of his judicial appointments. As you can see, he used the occasion to denounce a practice he regularly employed as a candidate.

What made this particular example of presidential hypocrisy so galling, was that Senator Dole has scrupulously avoided criticizing the President's foreign policy while the

President was overseas. I know that for a fact because I have been involved in Dole campaign decisions about when and when not to draw comparisons between the President's foreign policies and prospective Dole Administration foreign policies. It was Senator Dole himself who insisted that the campaign make no criticisms of the President's foreign policies while the President was abroad. In fact, Senator Dole specifically declined the opportunity to criticize the President's China policy on Face the Nation Sunday, showing extraordinary restraint given that policy's abundant defects.

What President Clinton suggested in his Moscow press conference was that he should be immune from criticism of his domestic policies while abroad. The President's protestation notwithstanding, that has never been a political custom in the United States. Were it to be, I suspect the President would open his reelection headquarters and establish temporary residence in a foreign capital where he could blissfully ignore the scrutiny that comes with campaigning for the presidency.

Indeed, I limited the examples of candidate Clinton's criticisms of President Bush only to those which referred to President Bush's foreign policies; criticisms which did violate—egregiously so—a venerable and worthy American political custom. In fact, in researching those quotes we discovered pages and pages of domestic policy criticism which candidate Clinton leveled at President Bush's while the President was traveling overseas. But as those did not violate the custom in question, only the new custom which President Clinton invented in Moscow, I left them out of my remarks.

When it comes to campaigning, President Clinton always shows surprising audacity. He quite cheerfully discards one identity for its opposite, and often appropriates with astonishing ease the arguments of his critics, always laying claim to first authorship. As a Dole supporter, I have an obligation to point out such incidents of presidential hypocrisy. But so, I submit, does the press.

Almost every news account of Senator Dole's speech on the President's judicial nominees observed that Senator Dole had voted for most of those nominees. But nary a report of President Clinton's virtuous appeal for a respite from partisanship examined the legitimacy of the custom he professed to uphold, or included a reference to the President's own violations of that custom.

The President is a formidable candidate. He'll be hard to beat even in a fair contest. He'll be impossible to beat if Senator Dole must adhere to standards which the President is free to ignore. After all, it should hardly come as a surprise to any journalist that the President has, on occasion, shown a tendency toward a little self-righteous posturing when he has little cause to do so. Indeed, I have often observed that the more accurate the arguments against him, the more self-righteous the President becomes.

Of all the people to accuse of excessive partisanship in foreign policy debates, Bob Dole is the least deserving of such criticism. I would refer the President to the debate over his decision to deploy 20,000 American troops to Bosnia. Without Bob Dole's leadership the President would not have received any expression of Congressional support for the deployment. Bob did not even agree with the decision to deploy. But he worked to support that deployment even while his primary opponents were gaining considerable political advantage by opposing his support for the President.

Senator Dole gave his support because he had as much concern for the President's credibility abroad as the President had. I would even contend that on many occasions Bob Dole has shown greater concern for presidential credibility than has the President. Which brings me to my next point.

I have lately noticed that in comparisons of the foreign policy views of President Clinton and Senator Dole, some in the media—more often broadcast media than print—have resorted to facile, formulaic analysis as a substitute for insightful political commentary. Some reporters have increasingly asserted that there isn't much difference between the candidates' foreign policy views, only, perhaps, in their styles as foreign policy leaders. They further assert that these stylistic differences have narrowed as President Clinton has lately recovered from his earlier ineptitude on the world stage. Thus, they mistakenly conclude, foreign policy should not play a significant role in the presidential debate this year.

I am sure you will not be surprised to learn that I strongly dispute both the premises and conclusion of that argument. It overlooks not only major policy differences between Senator Dole and the President—Ballistic Missile Defense, Bosnia, Iran, Korea and NATO expansion come immediately to mind—but it devalues the importance of leadership style to the conduct of foreign policy. Both the conceptual and operational flaws of the incumbent Administration's statecraft and the alternatives which Senator Dole's election offers should be and will be an important focus of this campaign.

As we all know, a presidential election is primarily a referendum on the incumbent's record. A challenger draws distinctions between himself and the incumbent by first examining the performance of the incumbent, and criticizing the flaws in that performance as a means of identifying what the challenger would do differently.

As a campaigner, even as an incumbent campaigner, the President is remarkably adroit at staying on offense. As one politician to another, I respect the President's political abilities. He really does not need any assistance from the press in this regard.

To combat the curt dismissal of ''stylistic differences'' between the candidates we could supply a shorthand response: ''style is substance.'' But we serve voters better by elaborating what those differences say about each candidates' leadership capacity. Those differences are important. They should be an important focus of campaign debates.

In a comparison of foreign policy views, to minimize distinctions between candidates as merely ''stylistic'' is to reject important principles of American diplomacy. Let me elaborate a few of the principles which I think have been casualties of the President's ''style'' of foreign policy leadership.

First, words have consequences: The President must make no promise he is unprepared to keep and no threat he is unwilling to enforce. The casual relationship between presidential rhetoric and presidential action in the Clinton Administration has damaged the President's credibility abroad and harmed many of the most important relationships we have in this world.

Second, diplomacy must be led from the Oval Office for it is the President who gives strategic coherence to American diplomacy. The President must prioritize our interests and oblige policymakers to integrate policies to serve those priorities. When the President is passive, government will not be organized cohesively to conduct foreign policy; second and third level officials are elevated to leading policy roles; and single issue advocates will fragment U.S. diplomacy.

Absent such cohesiveness, Clinton Administration officials have poorly prioritized U.S. interests, often placing peripheral interests before vital ones. They have pursued case-by-case policies that often collided with one another and conducted relations with some countries in ways that disrupted our relations with others. Diminished presidential leadership in foreign policy has also resulted in the franchising of foreign policy to retired public officials whose goals may or may not be compatible with the Administration's.

Third, there is no substitute for American leadership in defense of American interests. The Administration's reluctance to give primacy in our post Cold War diplomacy to American leadership or even, at times, to American interests has violated proven rules of American leadership. Among those are: protect our security interests as the precondition for advancing our values; force has a role in, but is not a substitute for diplomacy; build coalitions to protect mutual security interests, don't neglect security interests to build coalitions; and don't slight your friends to accommodate your adversaries.

The direct consequences of the Administration's failure to observe these rules, have been its misguided efforts to cloak the national interest in ''assertive multilateralism''; its poor record of building coalitions despite its virtuous regard for multilateralism; and its paralyzing confusion about when and how to use force.

Fouth, foreign policy should serve the ends of domestic policy, and just as importantly, domestic policy should serve the ends of foreign policy. The President has often misconstrued that relationship, often using foreign policy as an international variant of pork barrel politics to serve his own political ends. This in part explains the Administration's interventions in Haiti and Northern Ireland, and its mania for managed trade solutions to our trade imbalance with Japan. It explains, in part, their gross mishandling of our relationship with China.

However, the most damaging effect of this flaw is that it has damaged the President's ability to persuade the American public that our vital interests require America to remain engaged internationally. This failure has led to a demonstrative increase in isolationist sentiments in both political parties.

We need not look far in the past to measure the consequences of the President's style of foreign policy leadership. The purpose of the President's recent state visit to Japan, and his brief visit to Korea were, in fact, damage control expeditions intended to repair the harm which the President's leadership style had done to our relationships with our allies.

The President's heavy handed threats of economic sanctions to coerce Japan's acceptance of numerical quotas for American exports risked divesting our relationship of its vitally important security components. Thus, when we required Japan's help in mustering a credible threat of economic sanctions against North Korea the Japanese demurred. And when the despicable rape of an Okinowan girl by three American marines increased opposition among the Japanese public to our military bases there, Japanese leaders were noticeably slow to defend our presence. Hence, the need for the President to go to Japan to reaffirm the importance of our security relationship.

The President's visit to Korea was intended to reaffirm American resistance to North Korea's attempts to drive a wedge between us and our South Korean allies. South Korea has cause to worry about the effect North Korea's recent provocations in the DMZ might have on alliance solidarity considering the wedge we allowed North Korea to drive between the U.S. and South Korea during our earlier negotiations with Pyongyang over their nuclear program.

Our relationship with one country that wasn't on the President's itinerary, but

should have been—China—has also suffered as a result of the strategic incoherence of Administration statecraft. Both the President's passivity in foreign policy and his poor record of linking rhetoric with deeds have badly damaged our ability to manage China's emergence as a superpower—the central security problem of the next century.

Administration diplomacy for China has been fragmented as officials from the Commerce Department, USTR, Defense and various bureaus of the State Department pursued different, and often conflicting agendas in China. (Chicken export lobbyist lately gained brief control over our Russia policy, but that's the subject of another speech.) Moreover, the wounds the President inflicted on his own credibility as he mishandled the MFN question and the visit of President Lee—first assuring the Chinese that Lee wouldn't come, and then reversing his decision without informing Beijing—have seriously crippled the Administration's ability to have a constructive dialogue with the Chinese on the host of issues involved in our relationship.

Lastly, I want to make brief reference to another topical foreign policy mistake which reveals the leadership flaws of the incumbent administration: the recent disclosure that the administration acquiesced in, and possibly facilitated Iranian arms shipments to Bosnia, Currently the media and Congress are focusing on whether that action was illegal. Such focus may overlook the policy's more important security implications.

President Clinton campaigned for office by denouncing the arms embargo against Bosnia. As president, his expressed intent to keep his campaign promise encountered stiff resistance from Russia and our European allies. Rather than exert maximum leadership to persuade others to join in lifting the embargo or conceding that his earlier position had been mistaken, the President chose to allow Iran to arm the Bosnian Government. Consequently, the President helped create an Iranian presence in Bosnia that threatens the security of our troops stationed there, and which has destroyed the Administration's efforts to enlist our allies in efforts to isolate Iran internationally.

The legality of such a policy may be suspect. But what is beyond dispute is the stupidity of a policy that risks our larger security interests for the sake of avoiding a difficult diplomatic problem.

Thus ends my lecture on the criticality of ''stylistic differences'' in choosing a president. I fear I have abused your hospitality by making what could be construed as a partisan speech. But my purpose was not to take cheap shots at the Administration for the benefit of the Dole campaign. I think both Senator Dole and I have proven our regard for bipartisanship in the conduct of American foreign policy. That does not mean, however, that we should refrain from criticizing the President's foreign policy when we find it to be in error.

It would be a terrible disservice to the voters for either campaign to devalue the importance of foreign policy differences in this election—both conceptual and operational differences. The quality of the next President's leadership abroad will have at least as great an impact on the American people as will the resolution of the current debate on raising the minimum wage. And I end with a plea to all journalists to accord appropriate attention to all the issues in the voters' choice this November.

Now, I am happy to respond to your questions on this or any other subject which interests you.

THE BAD (VERY) DEBT BOXSCORE

Mr. HELMS. Mr. President, I think so often of that memorable evening in 1972 when the television networks reported that I had won the Senate race in North Carolina.

At first, I was stunned because I had never been confident that I would be the first Republican in history to be elected to the U.S. Senate by the people of North Carolina. When I got over that, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

I have kept that commitment and it has proved enormously meaningful to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the 23 years I have been in the Senate.

A large percentage of them are greatly concerned about the total Federal debt which recently exceeded $5 trillion. Of course, Congress is responsible for creating this monstrous debt which coming generations will have to pay.

Mr. President, the young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I decided that it was important that a daily record be made of the precise size of the Federal debt which, at the close of business yesterday, Wednesday, April 24, stood at $5,110,704,059,629.39. This amounts to $19,307.33 for every man, woman, and child in America on a per capita basis.

The increase in the national debt since my report yesterday—which identified the total Federal debt as of close of business on Tuesday, April 23, 1996—shows an increase of more than 4 billion dollars—$4,331,633,680.00, to be exact. That 1-day increase is enough to match the money needed by approximately 642,294 students to pay their college tuitions for 4 years.

THE PLO CHARTER

Mr. PELL. Mr. President, yesterday the Palestine National Council voted by an overwhelming margin to revise its so-called Charter by removing clauses referring to the destruction of Israel. The vote is further evidence of sea change in Palestinian attitudes and ideology, and provided a welcome respite from the otherwise troubling situation in the Middle East.

In September 1993, during the signing of the historic Israel-PLO Declaration of Principles, PLO Chairman Yasir Arafat made a commitment to Israel to amend the Charter—the spirit and letter of which was clearly at odds with the peace agreement. Yesterday, Arafat, who is now Chairman of the autonomous Palestinian Authority, secured near-universal Palestinian backing for his pledge.

In voting to carry out this commitment, the Palestinians remain eligible under the terms of the Middle East Peace Facilitation Act, also known as MEPFA, to receive United States assistance. The vote also appears to open the way for the resumption of substantive peace talks between Israel and the Palestinians leading to a final status agreement.

As one of the original authors of MEPFA, I was particularly pleased by yesterday's events. In February, I led a congressional delegation to the Middle East, where the distinguished Senator from Virginia [Senator ROBB], the distinguished Senator from Oklahoma [Senator INHOFE], and I met with Chairman Arafat to urge that the Charter be amended. While I was somewhat skeptical after that meeting that Chairman Arafat would deliver on his promise, yesterday's vote helps to convince me that there is a forceful and sincere desire on his part to implement the peace agreements with Israel.

To be sure, Mr. President, there remains much concern about the future of Israeli-Palestinian relations. The issue of terrorism remains the most important factor in determining the success or failure of the peace process. We can, and should, continue to press the Palestinians to root out completely the terrorist element—which they will only be able to do with the support and good will of Israel. The vote yesterday, in my opinion, will do much to bolster Arafat's standing in Israel's eyes. And that bodes well for the future.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 11:54 am., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1675. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

H.R. 2715. An act to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small business, educational

and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies.

At 5:05 pm., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

ENROLLED BILLS SIGNED

At 8:56 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 3019. An act making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

H.R. 3055. An act to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

Under the order of the Senate of April 25, 1996, the enrolled bills were signed subsequently by Mr. DOLE.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1675. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2715. An act to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies; to the Committee on Governmental Affairs.

Under the order of the Senate of April 25, 1996, if and when reported, the following bill be referred to the Committee on Commerce, Science, and Transportation for not to exceed twenty calendar days:

S. 1660. A bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following measures were read the second time and placed on the calendar:

H.R. 2937. An act for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993.

S. 1698. A bill entitled the ''Health Insurance Reform Act of 1996.''

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–2318. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–248 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2319. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–249 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2320. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–253 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2321. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–255 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2322. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–256 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2323. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Comparative Analysis of Costs of Selected Programs of the District of Columbia and Other Jurisdictions''; to the Committee on Governmental Affairs.

EC–2324. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports and testimony for March 1996; to the Committee on Governmental Affairs.

EC–2325. A message from the General Sales Manager and Vice President of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report relative food assistance programs in both developing and friendly countries for fiscal years 1994, 1993, and 1992; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2326. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notification of the intention to obligate funds to support law enforcement activities in the Balkans; to the Committee on Appropriations.

EC–2327. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of the Reserve Forces Policy Board for fiscal year 1995; to the Committee on Armed Services.

EC–2328. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report of a cost comparison study relative to cleaning services performed at the Pentagon; to the Committee on Armed Services.

EC–2329. A communication from the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence), transmitting, pursuant to law, the report on the National Defense Authorization Act for fiscal year 1996; to the Committee on Armed Services.

EC–2330. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize construction at certain military installations for fiscal year 1997, and for other military construction authorizations and activities; to the Committee on Armed Services.

EC–2331. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, notice relative to the compensation plan for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2332. A communication from the Director of the Financial Crimes Enforcement Network, transmitting, pursuant to law, the report of an interim rule relative to transactions in currency (RIN1506–AA10); to the Committee on Banking, Housing, and Urban Affairs.

EC–2333. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report summarizing recent actions to reduce risk in financial markets; to the Committee on Banking, Housing, and Urban Affairs.

EC–2334. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–2335. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving exports to People's Republic of China (China); to the Committee on Banking, Housing, and Urban Affairs.

EC–2337. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled ''Disposal of Certain Materials in the National Defense Stockpile''; to the Committee on Armed Services.

EC–2338. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, a report of final and interim rules amending the Defense Federal Acquisition Regulation Supplement (DFARS); to the Committee on Armed Services.

EC–2339. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, the notice of an intention to offer a transfer by grant; to the Committee on Armed Services.

EC–2340. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, the notice of an intention to offer a transfer by grant; to the Committee on Armed Services.

EC–2341. A communication from the Administrator of the Panama Canal Commission, transmitting, a draft of proposed legislation to authorize expenditures for fiscal year 1997 for the operation and maintenance of the Panama Canal and for other purposes; to the Committee on Armed Services.

EC–2342. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the Tanker Navigation Equipment, Systems, and Procedures; to the Committee on Commerce, Science, and Transportation.

EC–2343. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to authorize appropriations for fiscal year 1997 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–2344. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the annual consumer report for calendar year 1995; to the Committee on Commerce, Science, and Transportation.

EC–2345. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule (FRL–5462–2); to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1611. A bill to establish the Kentucky National Wildlife Refuge, and for other purposes (Rept. No. 104–257).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and an amendment to the title:

S. Res. 217. A resolution to designate the first Friday in May 1996, as ''American Foreign Service Day'' in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 966. A bill for the relief of Nathan C. Vance, and for other purposes.

S. 1624. A bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 56. A concurrent resolution recognizing the tenth anniversary of the Chornobyl nuclear disaster, and supporting the closing of the Chornobyl nuclear power plant.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

(The following is a list of all members of the nominees' immediate family and their spouses. Each of these persons has informed the nominee of the pertinent contributions made by them. To the best of the nominees' knowledge, the information contained in this report is complete and accurate.)

Charles O. Cecil, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

Nominee: Charles O. Cecil.

Post: Ambassador to Niger.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse: Jean M. Cecil, none.

3. Children and spouses names: Thomas C. Cecil, none; Kathryn M. Cecil, none; and Richard A. Cecil, none.

4. Parents Names: Charles M. Cecil, Anna Louise Parr, none.

5. Grandparents names: James R. Price, deceased; Lizzie Rea Price, deceased; and Charles O. Cecil and Ruth Cecil, deceased.

6. Brothers and spouses names: none.

7. Sisters and spouses names: Grace Medina, none and Paul Medina, none.

Sharon P. Wilkinson, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Nominee: Sharon P. Wilkinson.

Post: Burkina Faso, nominated October 20, 1995.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, none.

4. Parents names: Fred Wilkinson, none and Jeane Wilkinson, none.

5. Grandparents names: deceased.

6. Brothers and spouses names: Rick Wilkinson, none.

7. Sisters and spouses names: Dayna Wilkinson, none.

George F. Ward, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Nominee: George F. Ward, Jr.

Post: Republic of Namibia.

Contributions, amount, date, and donee:

1. Self: George F. Ward, Jr., none.

2. Spouse: Peggy E. Ward, none.

3. Children and spouses names: Pamela W. Priester, none and Wilbur M. Priester, none.

4. Parents names: George F. Ward, deceased. Hildegard L. Ward: My mother, Hildegard L. Ward, is resident in an extended care facility in Dunedin, Florida. She is 89 years old, and her powers of memory and reason have declined greatly over the past several months. Since July 1995, I have exercised power of attorney over my mother's financial affairs.

During the time that I have exercised power of attorney, my mother has made no Federal campaign contributions. I have been unable to determine by asking my mother whether she made any Federal campaign contributions over the balance of the past four years.

5. Grandparents names: Deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Barbara Stiles, none and Robert Stiles, none.

Dane Farnsworth Smith, Jr., of New Mexico, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal.

Nominee: Dane F. Smith, Jr.

Post: Ambassador to Republic of Senegal.

Contributions, amount, date, and donee:

1. Self, $100, 1994, Senator Harris Wofford.

2. Spouse, none.

3. Children and spouses names: Jennifer L. Smith, none, Dane F. Smith III, none, and Juanita C. Smith, none.

4. Parents names: Dane F. Smith (deceased), none, and Candace C. Smith, none.

5. Grandparents names: E. Dan and Mary F. Smith (deceased), none, and Christian Carl and Blanche M. Carstens (deceased), none.

6. Brothers and spouses names: none.

7. Sisters and spouses names: Mary Candace S. Mize and Robert T. Mize, 20, 1992, Representative Steve Schiff.

Day Olin Mount, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Nominee: Mr. Day Olin Mount.

Post: U.S. Ambassador to Iceland.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, none.

4. Parents names: Mr. and Mrs. Wilbur S. Mount (joint) $100, November 19, 1991, Mobil PAC; $100, August 24, 1992, GOP Victory Fund; $100, September 23, 1992, GOP Victory Fund; $20, August 10, 1993, American Conservative Union; $25, April 14, 1995, National Republican Congressional Committee; $25, May 2, 1995, Republican National Committee; $100, May 30, 1995, National Republican Congressional Committee; $25, July 1, 1995, Sixty Plus/Abolish Inheritance Tax; $200, July 6, 1995, National Republican Congressional Committee; and $200, March 1, 1994, National Republican Congressional Committee. Eleanor O. Mount, $15, March 14, 1993, Republicans for Choice; $25, August 5, 1993, Republicans for Choice; $25, January 10, 1994, Healy, Senate, $25, September 14, 1995, Republican National Committee; $25, November 1, 1995, Republican National Committee, $35, July 25, 1990, National Republican Congressional Committee; $15, January 5, 1995, Republicans for Choice; $15, March 1, 1995, Bateman, for Term Limits; $6, September 3, 1995, Notice to Congress; $20, July 21, 1990, Packwood, for Freedom of Choice; $10, May 1, 1990, Planned Parenthood; $20, June 15, 1991, Packwood, for Freedom of Choice; and $20, April 1, 1991, Reelect Packwood, for Freedom of Choice.

5. Grandparents names: Deceased prior to 4 years ago.

6. Brothers and spouses names; None.

7. Sisters and spouses names: None.

Morris N. Hughes, Jr., of Nebraska, a Career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Nominee: Morris N. Hughes, Jr.

Post: Burundi.

Contributions, amount, date, and donee:

1. Self: Morris N. Hughes, Jr., none.

2. Spouse: Barbara F. Hughes, none.

3. Children and spouses names: Guy C. Hughes (son), none and (daughter) Catherine A. Hughes, none.

4. Parents names: Mother, Calista Cooper Hughes, $100, 1994, Congressman Bereuter; and father, Morris N. Hughes, deceased.

5. Grandparents names: Guy L. Cooper, deceased; Josephine B. Cooper, deceased; Samuel K. Hughes, deceased; and Pauline N. Hughes deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Sister, Judith H. Leech, $60 a year to local Nebraska Democratic Party; spouse, Keith R. Leech, none; sister, C. Mary Solari, none; and spouse, Kenneth Solari, none.

David C. Halsted, of Vermount, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Nominee: David C. Halsted.

Post: Ambassador to Chad.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names: Edward, Sarah, David J., Charles, none.

4. Parents names: Katharine P. Halsted, none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: E. Aayard Halsted, Alice Halsted, none.

7. Sisters and spouses names: Margaret Tenney, T.H. Tenney, none.

Christopher Robert Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to The Former Yugoslav Republic of Macedonia.

Nominee: Christopher Robert Hill.
Post: Skopje.
Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, none.
3. Children and spouses names: Children all minors.
4. Parents names: Robert B. Hill, none; Constance Hill, $300, 1992, Clinton.
5. Grandparents names: deceased.
6. Brothers and spouses names: Jonathan Hill and Susan; Nicholas Hill and Yuka.
7. Sisters and spouses names: Prudence; Elizabeth and Rick.

Prudence Bushnell, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.
Nominee: Prudence Bushnell.
Post: Republic of Kenya.
Contributions, amount, date, donee:
1. Self: none.
2. Spouse: Richard A. Buckley, none.
3. Children and spouses names: Patrick Michael Buckley, none; Kathleen Mary Buckley, none; Thomas Francis Buckley, $250, 1992; $900, 1995, Republican Party; Delia Maria Buckley, none; Eileen Marie Buckley, none.
4. Parents names: Bernice and Gerald Bushnell, $50/year, 1993–95, Democratic Party.
5. Grandparents names: Frank and Edna Duflo, deceased. Sherman and Ethel Bushnell, deceased.
6. Brothers and spouses names: Peter Bushnell and Elsie Gettleman, none; Jonathan Bushnell and July Fortam, none.
7. Sisters and spouses names: Susan Bushnell and John F.X. Murphy: $125 over past 5 years, Republican Party.

Kenneth C. Brill, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.
Nominee: Kenneth C. Brill.
Post: Ambassador to Cyprus.
Contributions, amount, date, donee:
1. Self, none.
2. Spouse, none.
3. Children and spouses names: Katherine (age 12), none; Christopher (age 9), none.
4. Parents names: Heber Brill, none; Carolyn Urick, none.
5. Grandparents names: Mr. and Mrs. Alfred Brill, deceased; Mr. and Mrs. Chandler Lapsely, deceased.
6. Brothers and spouses names: Bruce Brill (single), none; Gary and Barbara Brill, none; Doug Brill (single), none.
7. Sisters and spouses names: Diane and Michael Cummings, none; Janet and Robert Dodson, none.

Richard L. Morningstar, of Massachusetts, for the rank of Ambassador during his tenure of service as Special Advisor to the President and to the Secretary of State on Assistance to the New Independent States (NIS) of the Former Soviet Union and Coordinator of NIS Assistance.

Princeton Nathan Lyman, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Eric L. Clay, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Nanette K. Laughrey, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri.

Charles N. Clevert, Jr., of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.

Donald W. Molloy, of Montana, to be United States District Judge for the District of Montana.

Susan Oki Mollway, of Hawaii, to be United States District Judge for the District of Hawaii.

(The above nominations were reported with the recommendation that they be confirmed.)

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. BINGAMAN:

S. 1702. A bill to require institutions of higher education to provide voter registration information and opportunities to students registering for class, and for other purposes; to the Committee on Rules and Administration.

By Mr. MURKOWSKI (for himself, Mr. JOHNSTON, Mr. BENNETT, and Mr. KEMPTHORNE):

S. 1703. A bill to amend the Act establishing the National Park Foundation; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 1704. A bill to provide for the imposition of administrative fees for medicare overpayment collection, and to require automated prepayment screening of medicare claims, and for other purposes; to the Committee on Finance.

By Mr. THURMOND:

S. 1705. A bill to eliminate the duties on Tetraamino Biphenyl; to the Committee on Finance.

By Mr. NUNN (for himself and Mr. COVERDELL):

S. 1706. A bill to increase the amount authorized to be appropriated for assistance for highway relocation with respect to the Chickamauga and Chattanooga National Military Park in Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER:

S. 1707. A bill to amend the Packers and Stockyards Act, 1921, to establish a trust for the benefit of the seller of livestock until the seller receives payment in full for the livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND (for himself and Mr. DOLE):

S. 1708. A bill to amend title 28, United States Code, to clarify the remedial jurisdiction of inferior Federal courts; read the first time.

By Mr. CRAIG:

S. 1709. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1710. A bill to authorize multiyear contracting for the C-17 aircraft program, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred, or acted upon, as indicated:

By Mr. KEMPTHORNE (for himself, Mr. AKAKA, Mr. ASHCROFT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DOLE, Mr. DORGAN, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GREGG, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mr. LOTT, Mr. MCCAIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PELL, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 251. A resolution to commemorate and acknowledge the dedication and sacrifice by the men and women who have lost their lives while serving as law enforcement officers; considered and agreed to.

By Mr. PRESSLER (for himself and Mr. DASCHLE):

S. Res. 252. A resolution to congratulate the Sioux Falls Skyforce, of Sioux Falls, South Dakota, on winning the 1996 Continental Basketball Association Championship; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1702. A bill to require institutions of higher education to provide voter registration information and opportunities to students registering for class, and for other purposes; to the Committee on Rules and Administration.

THE STUDENT VOTER REGISTRATION ACT OF 1996

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that I believe will effectively increase voter registration among college and university students and will positively change the voting patterns of this Nation.

Mr. President, currently there are over 15 million college students across this country who are eligible to vote. This highly concentrated group of individuals, when allowed increased access to voter registration, can be a very powerful and influential political voice. The legislation I am introducing today provides colleges and universities the mechanisms and the opportunities to increase voter registration among college students so that they can be an active and visible political force within our country.

College and university students are one of the most highly mobile constituent groups in this country and our voter registration systems have not been entirely effective in empowering our Nation's college students to register and to vote. It is estimated that college students in America move on

an average of twice a year. To continue to vote, college students must re-register to vote or change their address every year. No other constituent group in America faces such a significant barrier. My legislation will empower college and university students to overcome this barrier.

Mr. President, this bill, which may be cited as the Student Voter Registration Act of 1996, will amend the National Voter Registration Act of 1993. It will require all colleges and universities that receive Federal funds, have 2-year or 4-year programs of instructions and confer associate, baccalaureate or graduate degrees, to provide voter registration opportunities and forms, including absentee ballots, to students at the time of class registration. Although the National Voter Registration Act of 1993 has made significant advances in the voter registration arena, this legislation will reach out and assist an additional constituency group.

According to a recent study prepared by the Harwood Group for the Kettering Foundation, students feel alienated from the current political process and pessimistic about the prospects for change. This same study challenged America's students ''to be more aware of the power and possibility that lie(s) in their own innate capacity for common action.'' The legislation allows students to overcome the political barriers currently placed before them by a system that has not fully recognized their needs and their power.

If you look at youth participation compared to all eligible voters in Presidential elections from 1972 to 1992, you can see the red column shows that 64 percent of eligible voters voted in the 1992 election, and 43 percent of those in the age group 18 to 24, went to the polls in 1992 to express their political views.

When you look at the same comparison of eligible voters to this age group 18 to 24 in midterm elections, from 1974 to 1994, the disparity is even greater. Among all eligible voters the percentage is 45 percent. Among this age group it is 20 percent. We need to take action to deal with that.

The legislation I am introducing today would amend the law to provide that voter registration opportunities exist in much larger numbers for this age group.

I think it is important legislation for us to enact and to do so, hopefully, before we get too much further into this election year.

As these charts behind me show, for the past 24 years, 18 to 24-year-olds have had a significantly lower voter participation rate as compared to all eligible voters. For example, in the 1992 Presidential election, of young people in the 18 to 24-year-old age category eligible to vote, only 53 percent had registered to vote and only 43 percent of eligible young people actually voted. During the last midterm election, 40 percent of young people age 18 to 24 were registered to vote and only half of them voted. That is less than 20 percent Mr. President. These numbers are staggering when compared to the numbers of all eligible voters who turned out to vote. In 1994's midterm election, 45 percent of eligible voters went to the polls to express their political views. In the last Presidential election over 60 percent of eligible voters went to the polls to vote. Mr. President, in 1992, youth participation reached its highest level—43 percent—since 1972, the first year that 18 to 24-year-olds were eligible to vote. We need to continue this upward trend. The bill I am bringing to the Senate floor is a solid mechanism for this.

Mr. President, this is not a partisan issue. I do not stand here in the Senate today in an effort to increase registration for my party, but instead I hope this legislation will increase registration and political involvement among students regardless of party affiliation.

Mr. President, anyone who believes that this is a partisan issue needs to just look at this final chart that I have here. It is clear that when you look at this age group, in this case 18- to 29-year-olds, the numbers, in terms of party affiliation for Democrats versus Republicans is almost identical.

Again, this is not a partisan issue. This is not a way to get more Democrats registered at the expense of the Republicans, or vice versa. It is a way to get more young Americans registered and to get them participating in our political system. What is important is that students have every opportunity to register—not what party they align themselves with and not how they chose to vote. This bill gives college and university students the opportunity to register and provides accessibility to registration forms.

As the American people look ahead to the 1996 election, it is important that we began to establish the foundation for an effective dialogue regarding the electoral process. For many college students this may be the first general election they participate in and it is critical that they do participate. It is also critical, that we here in Congress accept the challenge of energizing America's college students and presenting them the opportunity to be an influential part of the development and the continuation of this great democracy.

I commend this legislation to my colleagues, and I will file it with the clerk today and ask that it be appropriately referred.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1702

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 ''Student Voter Registration Act of 1996''.

SEC. 2. PURPOSE.

The purpose of this Act is—

(1) to increase voter registration accessibility to students; and

(2) to increase voter participation among college and university students.

SEC. 3. AMENDMENT OF NATIONAL VOTER REGISTRATION ACT OF 1993.

Section 7(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''and'';

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) each institution of higher education (as defined in section 1201(a)) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)) in that State that—

''(i) receives Federal funds; and

''(ii) provides a 2-year or 4-year program of instruction for which the institution awards an associate, baccalaureate, or graduate degree.''; and

(2) in paragraph (6)(A), by inserting ''or, in the case of an institution of higher education, with each registration of a student for enrollment in a course of study,'' after ''assistance,''.

SEC. 4. IMPLEMENTATION.

Institutions of higher education shall implement the requirements of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) as amended by this Act—

(1) in the case of an institution with enrollment of not less than 10,000 students on the date of enactment of this Act, by 1997;

(2) in the case of an institution with enrollment of not less than 5,000 and not more than 9,999 students on the date of enactment of this Act, by January 1, 1998;

(3) in the case of an institution with enrollment of not less than 2,000 and not more than 4,999 students on the date of enactment of this Act, by January 1, 1999; and

(4) in the case of an institution with enrollment of less than 2,000 students on the date of enactment of this Act, by January 1, 2000.

By Mr. MURKOWSKI (for himself, Mr. JOHNSTON, Mr. BENNETT, and Mr. KEMPTHORNE):

S. 1703. A bill to amend the act establishing the National Park Foundation; to the Committee on Energy and Natural Resources.

THE NATIONAL PARK FOUNDATION ACT AMENDMENT ACT OF 1996

Mr. MURKOWSKI. Mr. President, I rise today and along with my colleagues, Senators JOHNSTON, BENNETT, and KEMPTHORNE to introduce a bill which, when enacted, will generate as much as $100 million annually from the private sector in support of our national parks.

This legislation contains a number of amendments to the National Park Foundation Act, which I am pleased to say will revitalize and expand the scope of operations of the Foundation.

An act of Congress created the National Park Foundation in 1967 as the official nonprofit partner of the National Park Service. The Foundation provides a vehicle for donors who want to contribute to national parks with the assurance that gifts will be carefully managed and used wholly and exclusively for the purpose specified by the donor.

The Foundation provides a simple and direct way for individuals, corporations, and private foundations to help conserve and preserve the natural, cultural, and historical value of the national parks for the enjoyment of future generations.

Mr. President, there are a number of organizations who claim to support our national parks, and to some extent they do. Unfortunately, there is little evidence that the parks ever receive any monetary or tangible benefits from these organizations.

Mr. President, I ask unanimous consent to have three pages of the National Park Foundation's annual report printed in the RECORD which will show some of the benefits the Foundation provides.

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

FINANCIAL REPORT

The National Park Foundation continued to generate solid financial results in fiscal year 1995, which ended June 30, 1995.

Total revenue from all sources increased for the fifth consecutive year, rising from $6.7 million in 1994 to $9.9 million in 1995. The major revenue item, contributions to the Foundation, increased from $5.9 million to $6.3 million. These contributions from individuals, corporations, foundations, and through marketing programs and the Combined Federal Campaign, play an important role in supporting the Foundation's mission this year and in the future.

Unrestricted revenue is used to support the Foundation's discretionary grantmaking to the National Parks and to support operations. Restricted revenue is used to benefit specific parks or projects. The donor's designation is honored through the years.

Total grants made by the Foundation to the National Parks increased 13 percent, from $2.3 million in 1994 to $2.6 million in 1995. Grants made from unrestricted funds totalled $1 million and grants made from restricted funds totalled $1.6 million. The Foundation has made grants totalling $10.4 million during the past five years.

The Foundation's total expenditures for 1995 were $4.3 million. Grants to the National Parks and program related expenditures accounted for 83 percent of that spending.

The balance sheet remains in healthy condition. Assets are $27.1 million at June 30, 1995, compared to $20.7 million a year ago.

Total fund balances increased 29 percent, from $19.9 million to $25.6 million. These fund balances, which will benefit the National Parks in future years, have grown from $9.6 million to the current $25.6 million during the past five years.

The management of restricted funds and programs is a major activity of the Foundation. Restricted fund balances increased from $8.3 million in 1994 to $12.5 million in 1995.

The Permanent Fund balance, which acts as the Foundation's endowment for resources so designated by the Board, increased from $10.4 million to $11.9 million. The increase resulted mainly from market appreciation in investments of $1.4 million. The increase in the Permanent Fund balance provides the Foundation with the resources to meet the current and future needs of the National Parks.

The Foundation has successfully managed all funds received. Total market value appreciation on invested funds was $2.4 million in 1995.

The National Park Foundation is extremely grateful to the many individual, philanthropic and corporate supporters who have given generously of themselves to strengthen our efforts.

NATIONAL PARK FOUNDATION

[Financial summary for the fiscal years ended June 30, 1995 and 1994]

Statements of activity	Unrestricted		Donor Restricted Funds	1995 Total All Funds	1994 Total All Funds
	General Fund	Permanent Fund			
Support and revenue:					
Contributions and gifts	$1,633,963		$4,452,651	$6,086,614	$5,926,776
Contributed goods and services	23,458		171,804	195,262	
Investment income	594,248		465,714	1,059,962	854,605
Publication sales	145,273		13,021	158,294	215,999
Management and other income	16,629			16,629	532,921
Realized and unrealized gains (losses) or investments	106,040	$1,396,977	874,285	2,377,302	(791,412)
Total support and revenue	2,519,611	1,396,977	5,977,475	9,894,063	6,738,889
Expenses:					
Program grants—					
Outreach and education projects	598,557		559,164	1,157,721	1,351,930
Interpretive projects	156,375		571,566	727,941	733,765
Resource conservation projects	200,600		300,520	501,120	
Volunteer projects	5,000			5,000	82,540
NPS staff projects	53,117		86,479	139,596	109,839
Other projects			62,184	62,184	29,766
Total program grants	1,013,649		1,579,913	2,593,562	2,307,840
Program support	601,411		256,899	858,310	663,135
Cost of publications sold	92,012			92,012	178,503
Yosemite management					6,413
Total program expenses	1,707,072		1,836,812	3,543,884	3,155,891
General and administrative	564,802			564,802	319,599
Fundraising	151,503			151,503	136,857
Total expenses	2,423,377		1,836,812	4,260,189	3,612,347
Support and revenue in excess of expenses	96,234	1,396,977	4,140,663	5,633,874	3,126,542
Fund Transfers	(138,189)	100,000	38,189		
Net change in fund balances	(41,955)	1,496,977	4,178,852	5,633,874	3,126,542
Fund balances, beginning of year	1,253,990	10,410,068	8,271,029	19,935,087	16,808,545
Fund balances, end of year	1,212,035	11,907,045	12,449,881	25,568,961	19,935,087
BALANCE SHEET SUMMARY					
Assets:					
Cash and cash equivalents	253,024		157,340	410,364	487,513
Marketable securities, at market	923,925	11,869,268	12,210,183	25,003,376	19,246,431
Total assets	2,697,729	11,907,045	12,483,118	27,087,892	20,741,868
Liabilities	1,485,694		33,237	1,518,931	806,781
Fund Balances	1,212,035	11,907,045	12,449,881	25,568,961	19,935,087

Note: The information shown herein has been summarized by the National Park Foundation from its Fiscal Year 1995 audited statements. To obtain a copy of the Foundation's complete audited financial statements, write to: National Park Foundation, 1101 17th Street, NW, Suite 1102, Washington, DC 20036–4704.

NATIONAL PARK FOUNDATION

[Schedule of donor restricted funds for the fiscal year ended June 30, 1995]

Donor Restricted Funds	Balance June 30, 1994	Contributions and other Income	Fund Transfers	Investment Income	Net Investment Gain (Losses)	Expenditures	Balance June 30, 1995
Endowment Funds:							
Albright Wirth Employee Development Fund	$2,028,140	$10,000		$91,459	$260,979	$94,341	$2,296,237
Francis B. Crownshield	3,634			185	434	80	4,173
Charles C. Glover	8,934			456	1,065	197	10,258
Lyndon Baines Johnson Memorial Grove Fund	1,374,049			68,295	170,736	25,135	1,587,945
Kahlil Gibran-Memorial Endowment Fund	3,987			229	535	99	4,652
Marguerite M. Root Parkland Purchase Fund	88,477			4,513	10,551	1,946	101,595

NATIONAL PARK FOUNDATION—Continued

[Schedule of donor restricted funds for the fiscal year ended June 30, 1995]

Donor Restricted Funds	Balance June 30, 1994	Contributions and other Income	Fund Transfers	Investment Income	Net Investment Gain (Losses)	Expenditures	Balance June 30, 1995
Theodore Roosevelt Association, Principal	985,783		$(26,661)	47,261	122,110	19,478	1,109,015
Saint-Gaudens Memorial, Principal	193,533		(4,938)	9,312	24,019	4,215	217,711
Luis Sanjurjo Memorial Fund	271,155			13,429	32,401	5,922	311,063
Yosemite National Park Centennial Medal Fund	33,149	740		1,889	4,418	812	39,384
Total Endowment Funds	4,990,841	10,740	(31,599)	237,028	627,248	152,225	5,682,033
Other Funds:							
American Scenic and Historic Preservation Society Fund	128,648			6,027	13,791	15,975	132,491
Art Acquisition	1,191	3,617		13	56	5,297	(420)
Boston Properties Fund	49,597			2,574	6,019	1,110	57,080
C&O Canal Fund		2,522		83	319	26	2,898
Chesapeake and Ohio Canal Fund	70						70
Chesapeake and Ohio Canal Tidal Lock	385,110			17,777	39,088	108,108	333,867
Civil War Sites Fund	100,147	1,000		5,707	12,983	2,270	117,567
George Rogers Clark Park Film Project Fund		6,000				3,655	2,345
Edison National Historic Site Development Fund		440		22	54	7	509
Ellis Island Fund	22,457			1,145	2,678	494	25,786
EPA/NPS Urban Integrated Pest Mgt. Fund		9,608		207	656	73	10,398
Everglades National Park Freshwater Wetlands Mitigation Trust Fund	283,487	844,742		28,130	25,223	11,014	1,170,568
French Memorial at Yorktown Fund	7,324			422	989	249	8,486
German-American Friendship Garden Fund	47,264			2,454	5,738	1,058	54,398
Gettysburg Cemetery Annex Fund	24,799			1,421	3,322	613	28,929
Gettysburg Monument Preservation Fund	30,431			1,552	3,629	669	34,943
Gettysburg Museum of the Civil War	2,326			118	277	51	2,670
Richard V. Giamberdine Memorial Fund		905		12	57	2	972
General Grant National Monument Fund	541			30	71	13	629
Historic American Building Survey Fund	3,639			160	374	69	4,104
Labor National Historic Landmark Theme Study Fund	4,351			62	78	2,808	1,683
Lowell National Historical Park Fund	4,579			184	436	1,085	4,114
Maryland State Monument at Gettysburg Fund		10,000		404	1,272	119	11,557
Andrew Mellon Foundation	19,774			1,008	2,358	435	22,705
Minute Man National Historical Park Fund		27,314		1,407	2,863	5,531	26,053
National Capital Region Handicapped Access Fund	130,059			6,633	15,510	2,861	149,341
National Historic Landmark Fund	9,419			485	1,135	209	10,830
National Park Enhancement Fund	237,217			12,007	28,072	6,911	270,385
NPF/Robert Glenn Ketchum Publication Fund	2,836			27	62	12	2,913
National Park Service Advisory Board Fund	3,558			181	424	78	4,085
National Park Service Video Fund	25,800	694		1,328	3,120	793	30,149
National Register of Historic Places Fund		2,130		26	145	4	2,297
Franklin Delano Roosevelt Memorial Fund	793,744	2,176,387		114,464	38,375	135,728	2,987,242
Theodore Roosevelt Association Income	83,899		26,661	4,571	1,502	2,438	114,195
Saint-Gaudens Memorial, income	54,499		4,938	2,800	732	2,112	60,857
Salt River Bay National Historical Park Museum Fund	1,163			60	141	26	1,338
LJ and MC Skaggs Foundation	1,942			99	232	43	2,230
Theodore Smith Memorial Fund	191,645			9,717	22,721	4,191	219,892
Tourism and Park Conference Fund	24,520			1,172	2,720	1,876	26,536
Wirth Lecture Fund	55,042			2,807	6,564	1,210	63,203
Yellowstone Recovery Fund	25,250	155,000		1,263	2,954	155,545	28,922
Zion National Park Visitor Fund	2,487			127	297	55	2,856
Other projects	521,373	1,386,377	38,189			1,209,764	736,175
Total Other Funds	3,280,188	4,626,736	69,788	228,686	247,037	1,684,587	6,767,848
Subtotal	8,271,029	4,637,476	38,189	465,714	874,285	1,836,812	12,449,881

Mr. MURKOWSKI. Mr. President, with the notable exception of the National Park Foundation, I am aware of no national conservation organizations whose actual cost of conducting business is less than 10 percent of their entire operating program.

In other words, Mr. President, donations made to the National Park Service through the Foundation are actually used to enhance the operation of programs conducted by the National Park Service. The Foundation is governed by a board of distinguished civic and business leaders committed to helping the national parks. By law, the Secretary of the Interior, Bruce Babbitt, serves as the chairman of the board, and the Director of the Park Service, Roger Kennedy, serves as the secretary of the board.

The Foundation is a partnership between the public and private sectors. It provides direct support for park units through a competitive program that grants venture capital to seed creative efforts to conserve park resources.

With the help of private partners, the National Park Foundation has made grants of over $10 million to support projects in our national parks in the last 5 years. I know of no other organization, Mr. President, which claims to support our National Park System that has a record that even comes close to this achievement.

The National Park Foundation does not engage in activities normally associated with lobbying, and as a result it does not enjoy the notoriety or the vast fundraising programs that benefit other environmentally motivated organizations or environmental causes. Unfortunately, not many people even know about the existence of the National Park Foundation.

Mr. President, administrative requests and congressional appropriations are simply not keeping pace with increased visitations and other demands placed on the National Park System. With the current demands on Congress to balance the budget and eliminate the Federal deficit, it would be more and more difficult for Congress to authorize sufficient funding for our national parks. As a result, there is a great need for additional support to protect, conserve and enhance our national parks.

Mr. President, the National Park Foundation is well positioned to take on this important task.

This bill contains amendments which will authorize the National Park Foundation to: First, engage in business relationships with appropriate private partners to raise revenue for the National Park System similar to the authority Congress has already granted the National Fish and Wildlife Foundation and the National Forest Foundation. Second, it would operate similarly to the U.S. Olympic Committee, where once a sponsor has been approved by the United States Olympic Committee, moneys are being generated from the private sector partners for the benefit of the Olympics.

This bill, when enacted, will allow the Foundation to optimize and capture for our national parks the economic value of selective, appropriate sponsorships of national parks similar to, as I have said, the authority Congress has granted to the United States Olympic Committee.

As commercial advertisers have long demonstrated, the national parks have great commercial value. Each year advertising, publishing, commercial broadcasts, moviemaking, merchandising and other commercial activity worth hundreds of millions of dollars is made on the intellectual property and other assets of the parks with virtually no return to the Park Service.

A change is needed to enable the Park Service, through the National

Park Foundation, to capture some of that potential income through licensing and other marketing agreements.

Mr. President, my bill provides safeguards which will negate any untoward, inappropriate commercialization of our parks; however, it will allow new revenue-generation opportunities outside the parks in partnership with private enterprise.

It is private enterprise that will ultimately provide additional funding in the billions of dollars for resource management and infrastructure repair required for park facilities throughout our Nation.

If we do not count the damage to the C&O canal, the current backlog in maintenance and facility repair for our parks is in excess of $4 billion. It is going to take literally hundreds of millions of dollars to reestablish resource management and visitor service programs which have been deferred servicewide.

According to the National Park Service, employee housing faces a backlog of $500 million. Mr. President, it is apparent that we cannot even afford to take care of the caretakers, much less properly address the needs of the National Park System.

Enactment of this legislation will provide an economically cost-efficient and accountable program by which the Foundation can begin the long quest to address the needs of our National Park System with the assistance of private sector resources.

Mr. President, the concept is exciting. The results will surely contribute to the future financial stability of our Park System as well as the protection of those national treasures we described as our national parks.

I urge my colleagues to support this important legislation. Together we can make it possible for the National Park Foundation to play the role originally intended by Congress back in 1967, making a significant contribution to preserving America's national parks through private partnerships between Government, private business, and individuals.

By Mr. McCAIN:

S. 1704. A bill to provide for the imposition of administrative fees for medicare overpayment collection, and to require automated prepayment screening of medicare claims, and for other purposes; to the Committee on Finance.

THE MEDICARE OVERPAYMENT REDUCTION ACT OF 1996

• Mr. McCAIN. Mr. President, today I am introducing an initiative to address Medicare overpayments—a serious problem which is depriving the trust fund of billions of dollars every year.

I'd like to thank Martha McSteen, president of the National Committee to Preserve Social Security and Medicare, and her talented staff, for their invaluable efforts and continued support of this important crusade.

Today, I introduce the Medicare Overpayment Reduction Act. This bill imposes an administrative fee on providers who submit inaccurate Medicare claims and are overpaid by the Health Care Financing Administration. The fee will be equal to 1 percent of the overpaid amount, and is intended to discourage overpayments and to offset the cost of recovering them.

In addition, the bill will require the Health Care Financing Administration to screen claims for accuracy, before payment is made, for certain procedures and services where there is a high rate of mis-billing.

Hospitals, and other providers under Medicare Part A, are prepaid annually by HCFA for anticipated Medicare expenditures. Currently many hospitals grossly overestimate their Medicare funding needs and use the overpayment to subsidize their non-Medicare operations. This is an abuse and it must stop. The legislation will impose the administrative fee if a hospital overestimates its Medicare needs by more than 30 percent, and does not repay the overage within 30 days.

Doctors, on the other hand under part B, submit claims for services. Sometimes claims are submitted for services that were never provided, or that are incorrectly coded in order to receive greater payments. The fee will discourage this activity and help us recoup the cost of seeking reimbursement.

Moreover, prepayment screening will help eliminate overpayments from occurring in the first place. Prescreening technology is readily available and used extensively in the private sector, and we should use prescreening to improve Medicare payment accuracy.

It should come as no surprise to my colleagues, or to any interested citizen, that the Medicare system is in serious condition. It is estimated that Medicare funds will be exhausted by the year 2002. The Washington Post today reported that the trust fund is in worse shape than previously thought.

We have an obligation to take every step we can to protect the trust funds and ensure their health and viability for this and future generations.

While overpayments are not the only problem with Medicare, they are a significant problem. GAO reports that last year over $4.1 billion was overpaid from the trust funds. Had this bill been in effect last year, I would submit that a healthy portion of these mis-billings and overpayments might not have occurred and even if they had, we would have been able to recoup over $15 million from imposing the administration fee.

While this bill is not a panacea, it is a step in the right direction in the effort to discourage overbilling, and to recoup recovery costs in every instance.

Overpayments are costly, unnecessary and wasteful. They contribute to the Medicare solvency problem and they must be stopped. This bill will help.

Again, I want to thank Martha McSteen, her staff and the membership for their continued support of the effort to help protect and preserve the future of the Medicare program, and for their leadership on this legislation.•

By Mr. THURMOND:

S. 1705. A bill to eliminate the duties on Tetraamino Biphenyl; to the Committee on Finance.

DUTY ELIMINATION LEGISLATION

Mr. THURMOND. Mr. President, today I am introducing legislation to permanently suspend the duty on the chemical tetra amino biphenyl [TAB]. This chemical is imported to the United States from Germany. TAB is an essential raw material used in the production of a high performance fiber called ''PBI.''

PBI is a unique heat and chemical resistant fiber that, in some uses, can be a suitable replacement for asbestos. PBI has a wide range of thermal protective applications including flight suits and garments for firefighters, boiler tenders, and refinery workers.

Mr. President, in previous Congresses, I introduced similar legislation to apply duty-free treatment to TAB. These bills were ultimately incorporated into the Omnibus Tariff and Trade Act of 1984, the Omnibus Trade Act of 1988, and the Customs and Trade Act of 1990. The current duty suspension for this chemical expired December 31, 1992.

During the Uruguay Round negotiations, the Administration made a commitment to negotiate the elimination of duties on products covered by duty suspension legislation. However, TAB was inadvertently deleted from Tariff Schedule XX during talks on the GATT Agreement. This chemical has been on the duty suspension list for several years. It is a noncontroversial item and should have been included in the final Tariff Schedule XX approved at Marrakesh.

Mr. President, it is my understanding that TAB was on the original Department of Commerce ''Consolidated Duty Suspension List'' of products to be incorporated into the U.S. offer and on subsequent offers until the final document was prepared in March. The February 25th offer, which was the last list made available to the public, included TAB as ''free'' under the proposed HTS 2921.59.14. When the importing company asked why it was deleted, they were told that it was incorporated into either the pharmaceutical or intermediate chemicals for dyes lists.

Recently, importers were surprised to discover that TAB was not covered under any duty suspension and would be assessed a 12.8 percent duty. According to the company, it is not covered under any tariff heading, no industry opposition has been found, and no instructions were issued which would have deleted TAB from the list. I hope the Senate will consider this measure expeditiously.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1705

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

SECTION 1. ELIMINATION OF DUTIES ON 3,3'-DIAMINOBENZIDINE (TETRAAMINO BIPHENYL).

(a) ELIMINATION OF DUTIES.—The President—

(1) shall proclaim duty-free entry for 3,3'-diaminobenzidine (Tetraamino Biphenyl), to be effective with respect to the entry of goods on or after January 1, 1995, and

(2) shall take such actions as are necessary to reflect such tariff treatment in Schedule XX, as defined in section 2(5) of the Uruguay Round Agreements Act (19 U.S.C. 3501(5).

(b) LIQUIDATION OR RELIQUIDATION AND REFUND OF DUTY PAID ON ENTRIES.—

(1) LIQUIDATION OR RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, and subject to paragraph (2), the Secretary of the Treasury shall liquidate or reliquidate any entry of goods described in subsection (a) that was made on or after January 1, 1995, and before the proclamation is issued under subsection (a), and refund any duty or excess duty that was paid on such entry.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to any entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 2. DEFINITION.

As used in this Act, the term ''entry'' includes a withdrawal from warehouse for consumption.

By Mr. CRAIG:

S. 1709. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

THE WATER DELIVERY ORGANIZATION FLEXIBILITY ACT OF 1996

Mr. CRAIG. Mr. President, I am introducing a bill today, which this body previously approved as an amendment to the first bill amending the Fair Labor Standards Act [FLSA] that the Senate passed in 1989. This bill would solve a problem with the interpretation of a provision of the FLSA, clarifying that the maximum hour exemption for agricultural employees applies to water delivery organizations that supply 75 percent or more of their water for agricultural purposes.

Representative MIKE CRAPO, of the Second District of Idaho, is today introducing an identical bill in the other body. Our bill would restore an exemption that was always intended by Congress.

Companies that deliver water for agricultural purposes are exempt from the maximum-hour requirements of the FLSA. The Department of Labor has interpreted this to mean that no amount of this water, however minimal, can be used for other purposes. Therefore, if even a small portion of the water delivered winds up being used for road watering, lawn and garden irrigation, livestock consumption, or construction, for example, delivery organizations are assessed severe penalties.

The exemption for overtime pay requirements was placed in the FLSA to protect the economies of rural areas. Irrigation has never been, and can not be, a 40-hour-per-week undertaking. During the summer, water must be managed and delivered continually. Later in the year, following the harvest, the work load is light, consisting mainly of maintenance duties.

Our bill is better for employers, workers, and farmers. Winter compensation and time off traditionally have been the method of compensating for longer summer hours. Without this exemption, irrigators are forced to lay off their employees in the winter. Therefore, our bill would benefit employees, who would continue to earn a year-round income. It also would keep costs level, which would benefit suppliers and consumers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1709

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

SECTION 1. AMENDMENT TO THE FAIR LABOR STANDARDS ACT OF 1938.

Section 13(b)(12) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(12)) is amended by inserting after ''water'' the following: '', at least 75 percent of which is ultimately delivered''.

ADDITIONAL COSPONSORS

S. 773

At the request of Mrs. KASSEBAUM, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 811

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 811, a bill to authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes.

S. 1487

At the request of Mr. GRAMM, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Idaho [Mr. CRAIG], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1487, a bill to establish a demonstration project to provide that the Department of Defense may receive Medicare reimbursement for health care services provided to certain Medicare-eligible covered military beneficiaries.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1498

At the request of Ms. SNOWE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1498, a bill to authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986, and for other purposes.

S. 1506

At the request of Mr. ABRAHAM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1641

At the request of Mr. GRAMS, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1641, a bill to repeal the consent of Congress to the Northeast Interstate Dairy Compact, and for other purposes.

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. INOUYE, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Concurrent Resolution 41, a concurrent resolution expressing the sense of the Congress that The George Washington University is important to the Nation and urging that the importance of the university be recognized and celebrated through regular ceremonies.

SENATE CONCURRENT RESOLUTION 56

At the request of Mr. LAUTENBERG, the names of the Senator from New York [Mr. D'AMATO], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Concurrent Resolution 56, a concurrent resolution recognizing the 10th anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear powerplant.

AMENDMENT NO. 3737

At the request of Mr. COVERDELL the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Amendment No. 3737 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities,

improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

SENATE RESOLUTION 251—RELATIVE TO LAW ENFORCEMENT OFFICERS

Mr. KEMPTHORNE (for himself, Mr. AKAKA, Mr. ASHCROFT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DOLE, Mr. DORGAN, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GREGG, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mr. LOTT, Mr. MCCAIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PELL, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S.RES. 251

Whereas, the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our childrens' right to receive an education in a crime-free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas, 162 peace officers lost their lives in the performance of their duty in 1995, and a total of 13,575 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers is assaulted, 1 in 25 is injured, and 1 in 4,000 is killed in the line of duty;

Whereas, on May 15, 1996, more than 15,000 peace officers are expected to gather in our nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved by the Senate of the United States of America in Congress assembled, That May 15, 1996, is hereby designated as "National Peace Officers Memorial Day" for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

SENATE RESOLUTION 252—TO CONGRATULATE THE SIOUX FALLS SKYFORCE

Mr. PRESSLER (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 252

Whereas the Sioux Falls Skyforce are the 1996 Champions of the Continental Basketball Association, a professional basketball league consisting of 12 teams from around the country;

Whereas the Sioux Falls Skyforce defeated the Fort Wayne fury, of Fort Wayne, Indiana, 4 games to 1 in the best-of-seven championship series;

Whereas the 1996 Continental Basketball Association Championship is the first championship in the 7-year history of the Sioux Falls Skyforce;

Whereas the Sioux Falls Skyforce players exemplify the virtues of hard work, determination, and a dedication to developing their talents to the highest levels; and

Whereas the people and businesses of Sioux Falls, South Dakota, and the surrounding area have demonstrated outstanding loyalty and support for the Sioux Falls Skyforce throughout the 7-year history of the team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Sioux Falls Skyforce and their loyal fans on winning the 1996 Championship;

(2) recognizes and commends the hard work, determination, and commitment to excellence shown by the Sioux Falls Skyforce owners, coaches, players, and staff throughout the 1996 season; and

(3) recognizes and commends the people of Sioux Falls, South Dakota, and the surrounding area for their outstanding loyalty and support of the Sioux Falls Skyforce throughout the 7-year history of the team.

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

ABRAHAM (AND DEWINE) AMENDMENT NO. 3738

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes; as follows:

At the appropriate place insert the following four new sections:

SEC. . ELIMINATION OF REPETITIVE REVIEW OF DEPORTATION ORDERS ENTERED AGAINST CRIMINAL ALIENS.

Section 242b (8 U.S.C. 125b) is amended by—

(a) redesignating subsection (f) as subsection (g); and

(b) adding the following new subsection (f) to read as follows—

"(f) CRIMINAL ALIENS.—No alien convicted of any criminal offense covered in Section 1251(a)(2)(A)(i) or (iii) or (B)–(D), shall be granted more than one administrative hearing and one appeal to the Board of Immigration Appeals concerning or relating to such alien's deportation. Any claims for relief from deportation for which the criminal alien may be eligible must be raised at that time. Under no circumstances may such a criminal alien request or be granted a reopening of the order of deportation or any other form of relief under the law, including but not limited to claims of ineffective assistance of counsel, after the earlier of:

"(i) a determination by the Board of Immigration Appeals affirming such order; or

"(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals."

SEC. . ELIMINATION OF MOTIONS OF REOPEN ORDERS OF EXCLUSION ENTERED AGAINST CRIMINAL ALIENS.

Section 236, 8 U.S.C. 1226, is amended by adding the following sentence to the end of subsection (a): "There shall be no judicial review of any order of exclusion, or any issue related to an order of exclusion, entered against an alien found by the Attorney General or the Attorney General's designee to be an alien described in Section 212(a)(2) (8 U.S.C. 1182(a)(2)) or of any administrative ruling related to such an order."

SEC. . EXPANSION OF THE BOARD OF IMMIGRATION APPEALS; NUMBER OF SPECIAL INQUIRY OFFICERS; ATTORNEY SUPPORT STAFF.

(a) IN GENERAL.—Nothwithstanding any other provision of law, effective October 1, 1996, there are authorized to be employed within the Department of Justice a total of—

(1) 24 Board Members of the Board of Immigration Appeals;

(2) 334 special inquiry officers; and

(3) a number of attorneys to support the Board and the special inquiry officers which is twice the number so employed as of the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to pay the salaries of the personnel employed under subsection (a) who are additional to such personnel employed as of the end of fiscal year 1996.

SEC. . PROHIBITION UPON THE NATURALIZATION OF CERTAIN CRIMINAL ALIENS.

Section 4 (a) (8 U.S.C. 1424) is amended by—

(a) inserting "or who have been convicted of certain crimes" after "or who favor totalitarian forms of government"

(b) in subsection (a)—

(1) replacing "of this subsection" with "of this subsection; or" in paragraph (6)

(2) adding new paragraph (7) to read as follows—

"(7) who has been convicted of any criminal offense covered in Section 1251(a)(2)(A)(i) or (iii) or (B)–(D)."

SIMPSON (AND SHELBY) AMENDMENT NO. 3739

Mr. SIMPSON (for himself and Mr. SHELBY) proposed an amendment to amendment No. 3725 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the end of the amendment add the following:

SEC. . TEMPORARY WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRATION, ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS, AND PER-COUNTRY LIMIT

(a) TEMPORARY WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRATION.—Notwithstanding any other provision of law, the following provisions shall temporarily supersede the specified subsections of section 201 of the Immigration and Nationality Act during the

first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

(1) Section 201(b) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

''ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Aliens described in this subsection, who are not subject to the worldwide levels or numerical limitations of subsection (a), are as follows:

''(1) Special immigrants described in subparagraph (A) or (B) of section 101(a)(27).

''(2) Aliens who are admitted under section 207 or whose status is adjusted under section 209.

''(3) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.''

(2) Section 201(c) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

''WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to 480,000.''

(b) TEMPORARY ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS.—Notwithstanding any other provision of law, the following provision shall temporarily supersede section 203(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

''PRIORITIES FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:

''(2) SPOUSES AND CHILDREN OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the class specified in paragraph (1).

''(3) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters (but are not the children) of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraphs (1) and (2).

''(4) MARRIED SONS AND MARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (3).

''(5) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but are not the children) of a alien lawfully admitted for permanent residence, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraph (1) through (4).

''(6) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (5).''

(c) DEFINITION OF IMMEDIATE RELATIVES.—For purposes of subsection (b)(1), the term ''immediate relatives'' means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age. In the case of an alien who was the spouse of a citizen of the United States for at least 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, the alien (and each child of the alien) shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death but only if the spouse files a petition under section 204(a)(1)(A)(ii) within 2 years after such date and only until the date the spouse remarries.

(d) TEMPORARY PER-COUNTRY LIMIT.—Notwithstanding any other provision of law, the following provision shall temporarily supersede paragraphs (2) through (4) of section 202(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

''PER-COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—(A) The total number of immigrant visas made available in any fiscal year to natives of any single foreign state or dependent area under section 203(a), except aliens described in section 203(a)(1), and under section 203(b) may not exceed the difference (if any) between—

''(i) 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States; and

''(ii) the amount specified in subparagraph (B).

''(B) The amount specified in this subparagraph is the amount by which the total of the number of aliens described in section 203(a)(1) admitted in the prior year who are natives of such state or dependent area exceeded 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States.''

(e) TEMPORARY RULE FOR COUNTRIES AT CEILING.—Notwithstanding any other provision of law, the following provision shall temporarily supersede, during the first fiscal year beginning after the enactment of this Act and during the four subsequent fiscal years, the language of section 202(e) of the Immigration and Nationality Act which appears after ''in a manner so that'':

''visa numbers are made available first under sections 203(a)(2), next under section 203(a)(3), next under section 203(a)(4), next under section 203(a)(5), next under section 203(a)(6), next under section 203(b)(1), next under section 203(b)(2), next under section 203(b)(3), next under section 203(b)(4), and next under section 203(b)(5).''

(f) TEMPORARY TREATMENT OF NEW APPLICATIONS.—Notwithstanding any other provision of law, the Attorney General may not, in any fiscal year beginning within five years of the enactment of this Act, accept any petition claiming that an alien is entitled to classification under paragraph (1), (2), (3), (4), (5), or (6) of Section 203(a), as in effect pursuant to subsection (b) of this Act, if the number of visas provided for the class specified in such paragraph was less than 10,000 in the prior fiscal year.

FEINSTEIN (AND BOXER) AMENDMENT NO. 3740

Mrs. FEINSTEIN (for herself and Mrs. BOXER) proposed an amendment to amendment No. 3725 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following new section:

SEC. —. ABSOLUTE NUMERICAL LIMITATION ON ADMISSION OF FAMILY-SPONSORED IMMIGRANTS; REALLOCATION OF PREFERENCE SYSTEM.

(a) ABSOLUTE NUMERICAL LIMITATION ON FAMILY-SPONSORED IMMIGRATION.—(1) Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is 480,000.''.

(2) Section 201(a) (8 U.S.C. 1151(a)) is amended by striking ''Exclusive of aliens described in subsection (b),'' and inserting ''Exclusive of aliens described in paragraph (1), paragraph (2)(A)(ii), and paragraph (2)(B) of subsection (b),''.

(b) PREFERENCE SYSTEM.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

''SEC. 203. (a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:

''(1) SPOUSES AND MINOR CHILDREN OF CITIZENS.—Qualified immigrants who are the spouses or minor children of citizens of the United States shall be allocated visas in a number not to exceed 480,000.

''(2) PARENTS OF CITIZENS.—Qualified immigrants who are the parent of citizens of the United States who are 21 years of age or older shall be allocated visas in a number—

''(A) not to exceed 35,000, if the number of visas not required for the class specified in paragraph (1) is less than 100,000;

''(B) not to exceed 35,000, if the number of visas not required for the class specified in paragraph (1) is 75,000 or more, but less than 150,000; and

''(C) not to exceed 45,000, if the number of visas not required for the class specified in paragraph (1) is 100,000 or more.

''(3) SPOUSES AND MINOR CHILDREN OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the spouses and minor children of an alien lawfully admitted for permanent residence shall be allocated visas in a number—

''(A) not to exceed 50,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is equal to or less than 75,000;

''(C) not to exceed 75,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is more than 75,000.

''(4) ADULT UNMARRIED SONS AND ADULT UNMARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the adult unmarried sons or adult unmarried daughters of citizens of the United States shall be allocated visas in a number—

''(A) not to exceed 15,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is equal to or less than 25,000;

''(C) not to exceed 25,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is more than 25,000.

''(5) ADULT MARRIED SONS AND ADULT MARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the adult married sons or adult married daughters of citizens of the United States shall be allocated visas in a number—

''(A) not to exceed 10,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is equal to or less than 10,000;

''(C) not to exceed 25,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is more than 10,000.

''(6) BROTHERS AND SISTERS OF UNITED STATES CITIZENS.—Qualified immigrants who are the brothers and sisters of citizens of the

United States and adult children of permanent residents shall be allocated visas, except that no such visas shall be allocated in fiscal years 1997 through 2001.

''(7) BACKLOGGED SPOUSES AND MINOR CHILDREN OF LAWFUL PERMANENT RESIDENTS.—(A) Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence, and who had a petition approved for classification under section 203(a)(2)(A) of the Immigration and Nationality Act (as in effect immediately prior to the date of enactment of this Act), and who remain qualified for classification under that section as if such section remained in effect, shall be allotted visas in a number which is 75 percent of the number of visas not required for the classes specified in paragraphs (1) through (6).

''(B) The additional visa numbers provided under this paragraph shall not be subject to the numerical limitations of section 202(a) of the Immigration and Nationality Act.

''(8) BACKLOGGED BROTHERS AND SISTERS OF CITIZENS.—(A) Qualified immigrants who are the brothers and sisters of citizens of the United States, and who had a petition approved for classification under section 203(a)(2)(A) of the Immigration and Nationality Act (as in effect immediately prior to the date of enactment of this Act), and who remain qualified for classification under that section as if such section remained in effect, shall be allotted visas in a number which is 25 percent of the number of visas not required for the classes specified in paragraphs (1) through (6).

''(B) The additional visa numbers provided under this paragraph shall not be subject to the numerical limitations of section 202(a) of the Immigration and Nationality Act.''.

(c) PER COUNTRY LIMITATION.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)) is amended to read as follows:

''(2) PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—Subject to paragraphs (3) and (4), the number of immigrant visas made available to natives of any single foreign state or dependent area in any fiscal year—

''(A) under subsection (a) of section 203 may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the number of visas made available under that subsection in that fiscal year; and

''(B) under subsection (b) of section 203 may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the number of visas made available under that subsection in that fiscal year.''.

(d) TRANSITION.—

(1) IN GENERAL.—Any petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1996 for preference status under section 203(a)(1), section 203(a)(2)(A), section 203(a)(3) (insofar as the alien is an adult), or section 203(a)(4) of such Act (as in effect before such date) for qualified immigrants shall be deemed, as of such date, to be a petition filed under such section for preference status under section 203(a)(4), section 203(a)(3), section 203(a)(5), or section 203(a)(6), respectively, of such Act (as amended by this Act).

(2) ADMISSIBILITY STANDARDS.—When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1996, makes application for admission, the immigrant's admissibility under paragraph (7)(A) of section 212(a) of the Immigration and Nationality Act shall be determined under the provisions of law in effect on the date of the issuance of such visa.

(e) REFERENCES.—References in the Immigration and Nationality Act before the effective date of this section to sections 203(a)(1), 203(a)(2)(A), 203(a)(3) (insofar as it relates to adult aliens), and 203(a)(4) shall be deemed on or after such date to be references to sections 203(a)(4), 203(a)(3), 203(a)(5), and 203(a)(6), respectively.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996.

WYDEN (AND OTHERS) AMENDMENT NO. 3741

(Ordered to lie on the table.)

Mr. WYDEN (for himself, Mr. LEAHY, Mr. KYL, Mr. CRAIG, Mrs. FEINSTEIN, Mr. LOTT, Mr. COCHRAN, and Mr. LUGAR) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the appropriate place in S. 1664, the Immigration Control and Financial Responsibility Act of 1996, insert the following:

SEC. . REVIEW AND REPORT ON H–2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that passage of legislation to reform the nation's immigration laws may impact on the future availability of an adequate work force for the producers of our nation's labor intensive agricultural commodities and livestock. Therefore, the United States Comptroller General shall review the existing H–2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after passage of immigration reform legislation. The United States Comptroller General shall report the findings of this review to the Congress.

(b) REVIEW.—The United States Comptroller General shall review the effectiveness of the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the United States Comptroller General shall review the program to determine—

(1) that it ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the enactment of this Act; and

(2) that there is timely approval of the applications for temporary foreign workers under section 101(a)(15)(H)(ii)(a) of such Act in the event of shortages of United States workers after the enactment of this Act; and

(3) that implementation of the program is not displacing United States agricultural workers; and

(4) if and to what extent implementation of the program is contributing to the problem of illegal immigration.

(c) REPORT.—On or before December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the United States Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b).

KYL AMENDMENT NO. 3742

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the end of the amendment, insert the following:

SEC. . LIMITATION ON ADJUSTMENT OF STATUS OF INDIVIDUALS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 245(i) (8 U.S.C. 1255), as added by section 506(b) of the Department of State and Related Agencies Appropriations Act, 1995 (Public Law 103–317, 108 Stat. 1765), is amended in paragraph (1), by inserting ''pursuant to section 301 of the Immigration Act of 1990 is not required to depart from the United States and who'' after ''who'' the first place it appears.

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a)(1) shall apply to applications for adjustment of status filed after September 30, 1996.

SIMPSON AMENDMENT NO. 3743

Mr. DOLE (for Mr. SIMPSON) proposed an amendment to the bill S. 1664, supra; as follows:

Strike all after the word ''SECTION'' and insert the following:

1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the ''Immigration Control and Financial Responsibility Act of 1996''.

(b) REFERENCES IN ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title; references in Act.
Sec. 2. Table of contents.

TITLE I—IMMIGRATION CONTROL

Subtitle A—Law Enforcement

Part 1—Additional Enforcement Personnel and Facilities

Sec. 101. Border Patrol agents.
Sec. 102. Investigators.
Sec. 103. Land border inspectors.
Sec. 104. Investigators of visa overstayers.
Sec. 105. Increased personnel levels for the Labor Department.
Sec. 106. Increase in INS detention facilities.
Sec. 107. Hiring and training standards.
Sec. 108. Construction of fencing and road improvements in the border area near San Diego, California.

Part 2—Verification of Eligibility to Work and to Receive Public Assistance

SUBPART A—DEVELOPMENT OF NEW VERIFICATION SYSTEM

Sec. 111. Establishment of new system.
Sec. 112. Demonstration projects.
Sec. 113. Comptroller General monitoring and reports.
Sec. 114. General nonpreemption of existing rights and remedies.
Sec. 115. Definitions.

SUBPART B—STRENGTHENING EXISTING VERIFICATION PROCEDURES

Sec. 116. Changes in list of acceptable employment-verification documents.
Sec. 117. Treatment of certain documentary practices as unfair immigration-related employment practices.
Sec. 118. Improvements in identification-related documents.
Sec. 119. Enhanced civil penalties if labor standards violations are present.
Sec. 120. Increased number of Assistant United States Attorneys to prosecute cases of unlawful employment of aliens or document fraud.
Sec. 120A. Subpoena authority for cases of unlawful employment of aliens or document fraud.
Sec. 120B. Task force to improve public education regarding unlawful employment of aliens and unfair immigration-related employment practices.

Sec. 120C. Nationwide fingerprinting of apprehended aliens.
Sec. 120D. Application of verification procedures to State agency referrals of employment.
Sec. 120E. Retention of verification form.
Part 3—Alien Smuggling; Document Fraud
Sec. 121. Wiretap authority for investigations of alien smuggling or document fraud.
Sec. 122. Amendments to RICO relating to alien smuggling and document fraud offenses.
Sec. 123. Increased criminal penalties for alien smuggling.
Sec. 124. Admissibility of videotaped witness testimony.
Sec. 125. Expanded forfeiture for alien smuggling and document fraud.
Sec. 126. Criminal forfeiture for alien smuggling or document fraud.
Sec. 127. Increased criminal penalties for fraudulent use of government-issued documents.
Sec. 128. Criminal penalty for false statement in a document required under the immigration laws or knowingly presenting document which fails to contain reasonable basis in law or fact.
Sec. 129. New criminal penalties for failure to disclose role as preparer of false application for asylum or for preparing certain post-conviction applications.
Sec. 130. New document fraud offenses; new civil penalties for document fraud.
Sec. 131. New exclusion for document fraud or for failure to present documents.
Sec. 132. Limitation on withholding of deportation and other benefits for aliens excludable for document fraud or failing to present documents, or excludable aliens apprehended at sea.
Sec. 133. Penalties for involuntary servitude.
Sec. 134. Exclusion relating to material support to terrorists.
Part 4—Exclusion and Deportation
Sec. 141. Special exclusion procedure.
Sec. 142. Streamlining judicial review of orders of exclusion or deportation.
Sec. 143. Civil penalties for failure to depart.
Sec. 144. Conduct of proceedings by electronic means.
Sec. 145. Subpoena authority.
Sec. 146. Language of deportation notice; right to counsel.
Sec. 147. Addition of nonimmigrant visas to types of visa denied for countries refusing to accept deported aliens.
Sec. 148. Authorization of special fund for costs of deportation.
Sec. 149. Pilot program to increase efficiency in removal of detained aliens.
Sec. 150. Limitations on relief from exclusion and deportation.
Sec. 151. Alien stowaways.
Sec. 152. Pilot program on interior repatriation and other methods to multiple unlawful entries.
Sec. 153. Pilot program on use of closed military bases for the detention of excludable or deportable aliens.
Sec. 154. Requirement for immunization against vaccine-preventable diseases for aliens seeking permanent residency.
Sec. 155. Certification requirements for foreign health-care workers.
Sec. 156. Increased bar to reentry for aliens previously removed.
Sec. 157. Elimination of consulate shopping for visa overstays.
Sec. 158. Incitement as a basis for exclusion from the United States.
Sec. 159. Conforming amendment to withholding of deportation.
Part 5—Criminal Aliens
Sec. 161. Amended definition of aggravated felony.
Sec. 162. Ineligibility of aggravated felons for adjustment of status.
Sec. 163. Expeditious deportation creates no enforceable right for aggravated felons.
Sec. 164. Custody of aliens convicted of aggravated felonies.
Sec. 165. Judicial deportation.
Sec. 166. Stipulated exclusion or deportation.
Sec. 167. Deportation as a condition of probation.
Sec. 168. Annual report on criminal aliens.
Sec. 169. Undercover investigation authority.
Sec. 170. Prisoner transfer treaties.
Sec. 170A. Prisoner transfer treaties study.
Sec. 170B. Using alien for immoral purposes, filing requirement.
Sec. 170C. Technical corrections to Violent Crime Control Act and Technical Corrections Act.
Sec. 170D. Demonstration project for identification of illegal aliens in incarceration facility of Anaheim, California.
Part 6—Miscellaneous
Sec. 171. Immigration emergency provisions.
Sec. 172. Authority to determine visa processing procedures.
Sec. 173. Joint study of automated data collection.
Sec. 174. Automated entry-exit control system.
Sec. 175. Use of legalization and special agricultural worker information.
Sec. 176. Rescission of lawful permanent resident status.
Sec. 177. Communication between Federal, State, and local government agencies, and the Immigration and Naturalization Service.
Sec. 178. Authority to use volunteers.
Sec. 179. Authority to acquire Federal equipment for border.
Sec. 180. Limitation on legalization litigation.
Sec. 181. Limitation on adjustment of status.
Sec. 182. Report on detention space.
Sec. 183. Compensation of special inquiry officers.
Sec. 184. Acceptance of State services to carry out immigration enforcement.
Sec. 185. Alien witness cooperation.
Subtitle B—Other Control Measures
Part 1—Parole Authority
Sec. 191. Usable only on a case-by-case basis for humanitarian reasons or significant public benefit.
Sec. 192. Inclusion in worldwide level of family-sponsored immigrants.
Part 2—Asylum
Sec. 193. Limitations on asylum applications by aliens using documents fraudulently or by excludable aliens apprehended at sea; use of special exclusion procedures.
Sec. 194. Time limitation on asylum claims.
Sec. 195. Limitation on work authorization for asylum applicants.
Sec. 196. Increased resources for reducing asylum application backlogs.
Part 3—Cuban Adjustment Act
Sec. 197. Repeal and exception.
TITLE II—FINANCIAL RESPONSIBILITY
Subtitle A—Receipt of Certain Government Benefits
Sec. 201. Ineligibility of excludable, deportable, and nonimmigrant aliens.
Sec. 202. Definition of ''public charge'' for purposes of deportation.
Sec. 203. Requirements for sponsor's affidavit of support.
Sec. 204. Attribution of sponsor's income and resources to family-sponsored immigrants.
Sec. 205. Verification of student eligibility for postsecondary Federal student financial assistance.
Sec. 206. Authority of States and localities to limit assistance to aliens and to distinguish among classes of aliens in providing general public assistance.
Sec. 207. Earned income tax credit denied to individuals not citizens or lawful permanent residents.
Sec. 208. Increased maximum criminal penalties for forging or counterfeiting seal of a Federal department or agency to facilitate benefit fraud by an unlawful alien.
Sec. 209. State option under the medicaid program to place anti-fraud investigators in hospitals.
Sec. 210. Computation of targeted assistance.
Subtitle B—Miscellaneous Provisions
Sec. 211. Reimbursement of States and localities for emergency medical assistance for certain illegal aliens.
Sec. 212. Treatment of expenses subject to emergency medical services exception.
Sec. 213. Pilot programs.
Subtitle C—Effective Dates
Sec. 221. Effective dates.

Subtitle A—Law Enforcement

PART 1—ADDITIONAL ENFORCEMENT PERSONNEL AND FACILITIES

SEC. 101. BORDER PATROL AGENTS.

(a) BORDER PATROL AGENTS.—The Attorney General, in fiscal year 1996 shall increase by no less than 700, and in each of fiscal years 1997, 1998, 1999, and 2000, shall increase by no less than 1,000, the number of positions for full-time, active-duty Border Patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) BORDER PATROL SUPPORT PERSONNEL.—The Attorney General, in each of fiscal years 1996, 1997, 1998, 1999, and 2000, may increase by not more than 300 the number of positions for personnel in support of Border Patrol agents above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 102. INVESTIGATORS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate potential violations of sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) by a number equivalent to 300 full-time active-duty investigators in each of fiscal years 1996, 1997, and 1998.

(b) LIMITATION ON OVERTIME.—None of the funds made available to the Immigration and Naturalization Service under this section

shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 for any fiscal year.

SEC. 103. LAND BORDER INSPECTORS.

In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and the Secretary of the Treasury shall increase, by approximately equal numbers in each of fiscal years 1996 and 1997, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing during peak crossing hours of all border crossing lanes currently in use, under construction, or whose construction has been authorized by Congress, except such low-use lanes as the Attorney General may designate.

SEC. 104. INVESTIGATORS OF VISA OVERSTAYERS.

There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate visa overstayers by a number equivalent to 300 full-time active-duty investigators in fiscal year 1996.

SEC. 105. INCREASED PERSONNEL LEVELS FOR THE LABOR DEPARTMENT.

(a) INVESTIGATORS.—The Secretary of Labor, in consultation with the Attorney General, is authorized to hire in the Wage and Hour Division of the Department of Labor for fiscal years 1996 and 1997 not more than 350 investigators and staff to enforce existing legal sanctions against employers who violate current Federal wage and hour laws.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in the United States in violation of law.

(c) PREFERENCE FOR BILINGUAL WAGE AND HOUR INSPECTORS.—In hiring new wage and our inspectors pursuant to this section, the Secretary of Labor shall give priority to the employment of multilingual candidates who are proficient in both English and such other language or languages as may be spoken in the region in which such inspectors are likely to be deployed.

SEC. 106. INCREASE IN INS DETENTION FACILITIES.

Subject to the availability of appropriations, the Attorney General shall provide for an increase in the detention facilities of the Immigration and Naturalization Service to at least 9,000 beds before the end of fiscal year 1997.

SEC. 107. HIRING AND TRAINING STANDARDS.

(a) REVIEW OF HIRING STANDARDS.—Within 60 days of the enactment of this title, the Attorney General shall review all prescreening and hiring standards to be utilized by the Immigration and Naturalization Service to increase personnel pursuant to this title and, where necessary, revise those standards to ensure that they are consistent with relevant standards of professionalism.

(b) CERTIFICATION.—At the conclusion of each of the fiscal years 1996, 1997, 1998, 1999, and 2000, the Attorney General shall certify in writing to the Congress that all personnel hired pursuant to this title for the previous fiscal year were hired pursuant to the appropriate standards.

(c) REVIEW OF TRAINING STANDARDS.—(1) Within 180 days of the date of the enactment of this Act, the Attorney General shall review the sufficiency of all training standards to be utilized by the Immigration and Naturalization Service in training all personnel hired pursuant to this title.

(2)(A) The Attorney General shall submit a report to the Congress on the results of the review conducted under paragraph (1), including—

(i) a description of the status of ongoing efforts to update and improve training throughout the Immigration and Naturalization Service, and

(ii) a statement of a timeframe for the completion of those efforts.

(B) In addition, the report shall disclose those areas of training that the Attorney General determines require additional or ongoing review in the future.

SEC. 108. CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

(a) IN GENERAL.—The Attorney General shall provide for the construction along the 14 miles of the international land border between the United States and Mexico, starting at the Pacific Ocean and extending eastward, of second and third fences, in addition to the existing reinforced fence, and for roads between the fences.

(b) PROMPT ACQUISITION OF NECESSARY EASEMENTS.—The Attorney General shall promptly acquire such easements as may be necessary to carry out this subsection and shall commence construction of fences immediately following such acquisition (or conclusion of portions thereof).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not to exceed $12,000,000. Amounts appropriated under this subsection are authorized to remain available until expended.

PART 2—VERIFICATION OF ELIGIBILITY TO WORK AND TO RECEIVE PUBLIC ASSISTANCE

Subpart A—Development of New Verification System

SEC. 111. ESTABLISHMENT OF NEW SYSTEM.

(a) IN GENERAL.—(1) Not later than three years after the date of enactment of this Act or, within one year after the end of the last renewed or additional demonstration project (if any) conducted pursuant to the exception in section 112(a)(4), whichever is later, the President shall—

(A) develop and recommend to the Congress a plan for the establishment of a data system or alternative system (in this part referred to as the ''system''), subject to subsections (b) and (c), to verify eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(B) submit to the Congress a report setting forth—

(i) a description of such recommended plan;

(ii) data on and analyses of the alternatives considered in developing the plan described in subparagraph (A), including analyses of data from the demonstration projects conducted pursuant to section 112; and

(iii) data on and analysis of the system described in subparagraph (A), including estimates of—

(I) the proposed use of the system, on an industry-sector by industry-sector basis;

(II) the public assistance programs and government benefits for which use of the system is cost-effective and otherwise appropriate;

(III) the cost of the system;

(IV) the financial and administrative cost to employers;

(V) the reduction of undocumented workers in the United States labor force resulting from the system;

(VI) any unlawful discrimination caused by or facilitated by use of the system;

(VII) any privacy intrusions caused by misuse or abuse of system;

(VIII) the accuracy rate of the system; and

(IX) the overall costs and benefits that would result from implementation of the system.

(2) The plan described in paragraph (1) shall take effect on the date of enactment of a bill or joint resolution approving the plan.

(b) OBJECTIVES.—The plan described in subsection (a)(1) shall have the following objectives:

(1) To substantially reduce illegal immigration and unauthorized employment of aliens.

(2) To increase employer compliance, especially in industry sectors known to employ undocumented workers, with laws governing employment of aliens.

(3) To protect individuals from national origin or citizenship-based unlawful discrimination and from loss of privacy caused by use, misuse, or abuse of personal information.

(4) To minimize the burden on business of verification of eligibility for employment in the United States, including the cost of the system to employers.

(5) To ensure that those who are ineligible for public assistance or other government benefits are denied or terminated, and that those eligible for public assistance or other government benefits shall—

(A) be provided a reasonable opportunity to submit evidence indicating a satisfactory immigration status; and

(B) not have eligibility for public assistance or other government benefits denied, reduced, terminated, or unreasonably delayed on the basis of the individual's immigration status until such a reasonable opportunity has been provided.

(c) SYSTEM REQUIREMENTS.—(1) A verification system may not be implemented under this section unless the system meets the following requirements:

(A) The system must be capable of reliably determining with respect to an individual whether—

(i) the person with the identity claimed by the individual is authorized to work in the United States or has the immigration status being claimed; and

(ii) the individual is claiming the identity of another person.

(B) Any document (other than a document used under section 274A of the Immigration and Nationality Act) required by the system must be presented to or examined by either an employer or an administrator of public assistance or other government benefits, as the case may be, and—

(i) must be in a form that is resistant to counterfeiting and to tampering; and

(ii) must not be required by any Government entity or agency as a national identification card or to be carried or presented except—

(I) to verify eligibility for employment in the United States or immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(II) to enforce the Immigration and Nationality Act or sections 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(III) if the document was designed for another purposes (such as a license to drive a

motor vehicle, a certificate of birth, or a social security account number card issued by the Administration), as required under law for such other purpose.

(C) The system must not be used for law enforcement purposes other than the purposes described in subparagraph (B).

(D) The system must ensure that information is complete, accurate, verifiable, and timely. Corrections or additions to the system records of an individual provided by the individual, the Administration, or the Service, or other relevant Federal agency, must be checked for accuracy, processed, and entered into the system within 10 business days after the agency's acquisition of the correction or additional information.

(E)(i) Any personal information obtained in connection with a demonstration project under section 112 must not be made available to Government agencies, employers, or other persons except to the extent necessary—

(I) to verify, by an individual who is authorized to conduct the employment verification process, that an employee is not an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3));

(II) to take other action required to carry out section 112;

(III) to enforce the Immigration and Nationality Act or section 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(IV) to verify the individual's immigration status for purposes of determining eligibility for Federal benefits under public assistance programs (defined in section 201(f)(3) or government benefits described in section 201(f)(4)).

(ii) In order to ensure the integrity, confidentiality, and security of system information, the system and those who use the system must maintain appropriate administrative, technical, and physical safeguards, such as—

(I) safeguards to prevent unauthorized disclosure of personal information, including passwords, cryptography, and other technologies;

(II) audit trails to monitor system use; or

(III) procedures giving an individual the right to request records containing personal information about the individual held by agencies and used in the system, for the purpose of examination, copying, correction, or amendment, and a method that ensures notice to individuals of these procedures.

(F) A verification that a person is eligible for employment in the United States may not be withheld or revoked under the system for any reasons other than a determination pursuant to section 274A of the Immigration and Nationality Act.

(G) The system must be capable of accurately verifying electronically within 5 business days, whether a person has the required immigration status in the United States and is legally authorized for employment in the United States in a substantial percentage of cases (with the objective of not less than 99 percent).

(H) There must be reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

(i) the selective or unauthorized use of the system to verify eligibility;

(ii) the use of the system prior to an offer of employment;

(iii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants; or

(iv) denial reduction, termination, or unreasonable delay of public assistance to an individual as a result of the perceived likelihood that such additional verification will be required.

(2) As used in this subsection, the term ''business day'' means any day other than Saturday, Sunday, or any day on which the appropriate Federal agency is closed.

(d) REMEDIES AND PENALTIES FOR UNLAWFUL DISCLOSURE.—

(1) CIVIL REMEDIES.—

(A) RIGHT OF INFORMATIONAL PRIVACY.—The Congress declares that any person who provides to an employer the information required by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) has a privacy expectation that the information will only be used for compliance with this Act or other applicable Federal, State, or local law.

(B) CIVIL ACTIONS.—A employer, or other person or entity, who knowingly and willfully discloses the information that an employee is required to provide by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be liable to the employee for actual damages. An action may be brought in any Federal, State, or local court having jurisdiction over the matter.

(2) CRIMINAL PENALTIES.—Any employer, or other person or entity, who willfully and knowingly obtains, uses, or discloses information required pursuant to this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be found guilty of a misdemeanor and fined not more than $5,000.

(3) PRIVACY ACT.—

(A) IN GENERAL.—Any person who is a United States citizen, United States national, lawful permanent resident, or other employment-authorized alien, and who is subject to verification of work authorization or lawful presence in the United States for purposes of benefits eligibility under this section or section 112, shall be considered an individual under section 552(a)(2) of title 5, United States Code, with respect to records covered by this section.

(B) DEFINITION.—For purposes of this paragraph, the term ''record'' means an item, collection, or grouping of information about an individual which—

(i) is created, maintained, or used by a Federal agency for the purpose of determining—

(I) the individual's authorization to work; or

(II) immigration status in the United States for purposes of eligibility to receive Federal, State or local benefits in the United States; and

(ii) contains the individuals's name or identifying number, symbol, or any other identifier assigned to the individual.

(e) EMPLOYER SAFEGUARDS.—An employer shall not be liable for any penalty under section 274A of the Immigration and Nationality Act for employing an unauthorized alien, if—

(1) the alien appeared throughout the term of employment to be prima facie eligible for the employment under the requirements of section 274A(b) of such Act;

(2) the employer followed all procedures required in the system; and

(3)(A) the alien was verified under the system as eligible for the employment; or

(B) the employer discharged the alien within a reasonable period after receiving notice that the final verification procedure had failed to verify that the alien was eligible for the employment.

(f) RESTRICTION ON USE OF DOCUMENTS.—If the Attorney General determines that any document described in section 274A(b)(1) of the Immigration and Nationality Act as establishing employment authorization or identity does not reliably establish such authorization or identity or, to an unacceptable degree, is being used fraudulently or is being requested for purposes not authorized by this Act, the Attorney General may, by regulation, prohibit or place conditions on the use of the document for purposes of the system or the verification system established in section 274A(b) of the Immigration and Nationality Act.

(g) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE VERIFICATION SYSTEM.—No person shall be civilly or criminally liable under section 274A of the Immigration and Nationality Act for any action adverse to an individual if such action was taken in good faith reliance on information relating to such individual provided through the system (including any demonstration project conducted under section 112).

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 112. DEMONSTRATION PROJECTS.

(a) AUTHORITY.—

(1) IN GENERAL.—(A)(i) Subject to clause (ii), the President, acting through the Attorney General, shall begin conducting several local and regional projects, and a project in the legislative branch of the Federal Government, to demonstrate the feasibility of alternative systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) and government benefits described in section 201(f)(4)).

(ii) Each project under this section shall be consistent with the objectives of section 111(b) and this section and shall be conducted in accordance with an agreement entered into with the State, locality, employer, other entity, or the legislative branch of the Federal Government, as the case may be.

(iii) In determining which State(s), localities, employers, or other entities shall be designated for such projects, the Attorney General shall take into account the estimated number of excludable aliens and deportable aliens in each State or locality.

(B) For purposes of this paragraph, the term ''legislative branch of the Federal Government'' includes all offices described in section 101(9) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)) and all agencies of the legislative branch of Government.

(2) DESCRIPTION OF PROJECTS.—Demonstration projects conducted under this subsection may include, but are not limited to—

(A) a system which allows employers to verify the eligibility for employment of new employees using Administration records and, if necessary, to conduct a cross-check using Service records;

(B) a simulated linkage of the electronic records of the Service and the Administration to test the technical feasibility of establishing a linkage between the actual electronic records of the Service and the Administration;

(C) improvements and additions to the electronic records of the Service and the Administration for the purpose of using such records for verification of employment eligibility;

(D) a system which allows employers to verify the continued eligibility for employment of employees with temporary work authorization;

(E) a system that requires employers to verify the validity of employee social security account numbers through a telephone call, and to verify employee identity through a United States passport, a State driver's license or identification document, or a document issued by the Service for purposes of this clause;

(F) a system which is based on State-issued driver's licenses and identification cards that include a machine readable social security account number and are resistant to tampering and counterfeiting; and

(G) a system that requires employers to verify with the Service the immigration status of every employee except one who has attested that he or she is a United States citizen or national.

(3) COMMENCEMENT DATE.—The first demonstration project under this section shall commence not later than six months after the date of the enactment of this Act.

(4) TERMINATION DATE.—The authority of paragraph (1) shall cease to be effective four years after the date of enactment of this Act, except that, if the President determines that any one or more of the projects conducted pursuant to paragraph (2) should be renewed, or one or more additional projects should be conducted before a plan is recommended under section 111(a)(1)(A), the President may conduct such project or projects for up to an additional three-year period, without regard to section 274A(d)(4)(A) of the Immigration and Nationality Act.

(b) OBJECTIVES.—The objectives of the demonstration projects conducted under this section are—

(1) to assist the Attorney General in measuring the benefits and costs of systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs defined in section 201(f)(3) and for government benefits described in section 201(f)(4);

(2) to assist the Service and the Administration in determining the accuracy of Service and Administration data that may be used in such systems; and

(3) to provide the Attorney General with information necessary to make determinations regarding the likely effects of the tested systems on employers, employees, and other individuals, including information on—

(A) losses of employment to individuals as a result of inaccurate information in the system;

(B) unlawful discrimination;

(C) privacy violations;

(D) cost to individual employers, including the cost per employee and the total cost as a percentage of the employers payroll; and

(E) timeliness of initial and final verification determinations.

(c) CONGRESSIONAL CONSULTATION.—(1) Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General or the Attorney General's representatives shall consult with the Committees on the Judiciary of the House of Representatives and the Senate regarding the demonstration projects being conducted under this section.

(2) The Attorney General or her representative, in fulfilling the obligations described in paragraph (1), shall submit to the Congress the estimated cost to employers of each demonstration project, including the system's indirect and administrative costs to employers.

(d) IMPLEMENTATION.—In carrying out the projects described in subsection (a), the Attorney General shall—

(1) support and, to the extent possible, facilitate the efforts of Federal and State government agencies in developing—

(A) tamper- and counterfeit-resistant documents that may be used in a new verification system, including drivers' licenses or similar documents issued by a State for the purpose of identification, the social security account number card issued by the Administration, and certificates of birth in the United States or establishing United States nationality at birth; and

(B) recordkeeping systems that would reduce the fraudulent obtaining of such documents, including a nationwide system to match birth and death records;

(2) require appropriate notice to prospective employees concerning employers' participation in a demonstration project, which notice shall contain information on filing complaints regarding misuse of information or unlawful discrimination by employers participating in the demonstration; and

(3) require employers to establish procedures developed by the Attorney General—

(A) to safeguard all personal information from unauthorized disclosure and to condition release of such information to any person or entity upon the person's or entity's agreement to safeguard such information; and

(B) to provide notice to all new employees and applicants for employment of the right to request an agency to review, correct, or amend the employee's or applicant's record and the steps to follow to make such a request.

(e) REPORT OF ATTORNEY GENERAL.—Not later than 60 days before the expiration of the authority for subsection (a)(1), the Attorney General shall submit to the Congress a report containing an evaluation of each of the demonstration projects conducted under this section, including the findings made by the Comptroller General under section 113.

(f) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—Demonstration projects conducted under this section shall substantially meet the criteria in section 111(c)(1), except that with respect to the criteria in subparagraphs (D) and (G) of section 111(c)(1), such projects are required only to be likely to substantially meet the criteria, as determined by the Attorney General.

(2) SUPERSEDING EFFECT.—If the Attorney General determines that any demonstration project conducted under this section substantially meets the criteria in section 111(c)(1), other than the criteria in subparagraphs (D) and (G) of that section, and meets the criteria in such subparagraphs (D) and (G) to a sufficient degree, the requirements for participants in such project shall apply during the remaining period of its operation in lieu of the procedures required under section 274A(b) of the Immigration and Nationality Act. Section 274B of such Act shall remain fully applicable to the participants in the project.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 113. COMPTROLLER GENERAL MONITORING AND REPORTS.

(a) IN GENERAL.—The Comptroller General of the United States shall track, monitor, and evaluate the compliance of each demonstration project with the objectives of sections 111 and 112, and shall verify the results of the demonstration projects.

(b) RESPONSIBILITIES.—

(1) COLLECTION OF INFORMATION.—The Comptroller General of the United States shall collect and consider information on each requirement described in section 111(a)(1)(C).

(2) TRACKING AND RECORDING OF PRACTICES.—The Comptroller General shall track and record unlawful discriminatory employment practices, if any, resulting from the use or disclosure of information pursuant to a demonstration project or implementation of the system, using such methods as—

(A) the collection and analysis of data;

(B) the use of hiring audits; and

(C) use of computer audits, including the comparison of such audits with hiring records.

(3) MAINTENANCE OF DATA.—The Comptroller General shall also maintain data on unlawful discriminatory practices occurring among a representative sample of employers who are not participants in any project under this section to serve as a baseline for comparison with similar data obtained from employers who are participants in projects under this section.

(c) REPORTS.—

(1) DEMONSTRATION PROJECTS.—Beginning 12 months after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate setting forth evaluations of—

(A) the extent to which each demonstration project is meeting each of the requirements of section 111(c); and

(B) the Comptroller General's preliminary findings made under this section.

(2) VERIFICATION SYSTEM.—Not later than 60 days after the submission to the Congress of the plan under section 111(a)(2), the Comptroller General of the United States shall submit a report to the Congress setting forth an evaluation of—

(A) the extent to which the proposed system, if any, meets each of the requirements of section 111(c); and

(B) the Comptroller General's findings made under this section.

SEC. 114. GENERAL NONPREEMPTION OF EXISTING RIGHTS AND REMEDIES.

Nothing in this subpart may be construed to deny, impair, or otherwise adversely affect any right or remedy available under Federal, State, or local law to any person on or after the date of the enactment of this Act except to the extent the right or remedy is inconsistent with any provision of this part.

SEC. 115. DEFINITIONS.

For purposes of this subpart—

(1) ADMINISTRATION.— The term ''Administration'' means the Social Security Administration.

(2) EMPLOYMENT AUTHORIZED ALIEN.—The term ''employment authorized alien'' means an alien who has been provided with an ''employment authorized'' endorsement by the Attorney General or other appropriate work permit in accordance with the Immigration and Nationality Act.

(3) SERVICE.—The term ''Service'' means the Immigration and Naturalization Service.

Subpart B—Strengthening Existing Verification Procedures

SEC. 116. CHANGES IN LIST OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.

(a) AUTHORITY TO REQUIRE SOCIAL SECURITY ACCOUNT NUMBERS.—Section 274A (8 U.S.C. 1324a) is amended by adding at the end of subsection (b)(2) the following new sentence: ''The Attorney General is authorized to require an individual to provide on the form described in paragraph (1)(A) the individual's social security account number for purposes of complying with this section.''.

(b) CHANGES IN ACCEPTABLE DOCUMENTATION FOR EMPLOYMENT AUTHORIZATION AND IDENTITY.—

(1) REDUCTION IN NUMBER OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.—Section 274A(b)(1) (8 U.S.C. 1324a(b)(1)) is amended—

(A) in subparagraph (B)—

(i) by striking clauses (ii), (iii), and (iv);

(ii) by redesignating clause (v) as clause (ii);

(iii) in clause (i), by adding at the end ''or'';

(iv) in clause (ii) (as redesignated), by amending the text preceding subclause (I) to read as follows:

''(ii) resident alien card, alien registration card, or other document designated by regulation by the Attorney General, if the document—''; and

(v) in clause (ii) (as redesignated)—

(I) by striking ''and'' at the end of subclause (I);

(II) by striking the period at the end of subclause (II) and inserting '', and''; and

(III) by adding at the end the following new subclause:

''(III) contains appropriate security features.''; and

(B) in subparagraph (C)—

(i) by inserting ''or'' after the ''semicolon'' at the end of clause (i);

(ii) by striking clause (ii); and

(iii) by redesignating clause (iii) as clause (ii).

(2) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Attorney General finds, by regulation, that any document described in section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Attorney General may prohibit or place conditions on its use for purposes of the verification system established in section 274A(b) of the Immigration and Nationality Act under section 111 of this Act.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b)(1) shall apply with respect to hiring (or recruiting or referring) occurring on or after such date as the Attorney General shall designate (but not later than 180 days after the date of the enactment of this Act).

SEC. 117. TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

Section 274B(a)(6) (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking ''For purposes of paragraph (1), a'' and inserting ''A''; and

(2) by striking ''relating to the hiring of individuals'' and inserting the following: ''if made for the purpose or with the intent of discriminating against an individual in violation of paragraph (1)''.

SEC. 118. IMPROVEMENTS IN IDENTIFICATION-RELATED DOCUMENTS.

(a) BIRTH CERTIFICATES.—

(1) LIMITATION ON ACCEPTANCE.—(A) No Federal agency, including but not limited to the Social Security Administration and the Department of State, and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in paragraph (5), unless it is issued by a State or local government registrar and it conforms to standards described in subparagraph (B).

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Secretary of Health and Human Services, after consultation with the Association for Public Health Statistics and Information Systems (APHSIS), and shall include but not be limited to—

(i) certification by the agency issuing the birth certificate, and

(ii) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and use by impostors.

(2) LIMITATION ON ISSUANCE.—(A) If one or more of the conditions described in subparagraph (B) is present, no State or local government agency may issue an official copy of a birth certificate pertaining to an individual unless the copy prominently notes that such individual is deceased.

(B) The conditions described in this subparagraph include—

(i) the presence on the original birth certificate of a notation that the individual is deceased, or

(ii) actual knowledge by the issuing agency that the individual is deceased obtained through information provided by the Social Security Administration, by an interstate system of birth-death matching, or otherwise.

(3) GRANTS TO STATES.—(A)(i) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States to encourage them to develop the capability to match birth and death records, within each State and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, States shall focus first on persons who were born after 1950.

(ii) Such grants shall be provided in proportion to population and in an amount needed to provide a substantial incentive for the States to develop such capability.

(B) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States for a project in each of 5 States to demonstrate the feasibility of a system by which each such State's office of vital statistics would be provided, within 24 hours, sufficient information to establish the fact of death of every individual dying in such State.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary to provide the grants described in subparagraphs (A) and (B).

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(5) CERTIFICATE OF BIRTH.—As used in this section, the term ''birth certificate'' means a certificate of birth registered in the United States.

(6) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1997.

(b) STATE-ISSUED DRIVERS LICENSES.—

(1) SOCIAL SECURITY ACCOUNT NUMBER.—Each State-issued driver's license and identification document shall contain a social security account number, except that this paragraph shall not apply if the document is issued by a State that requires, pursuant to a statute enacted prior to the date of enactment of this Act, or pursuant to a regulation issued thereunder or an administrative policy, that—

(A) every applicant for such license or document submit the number, and

(B) an agency of such State verify with the Social Security Administration that the number is valid and is not a number assigned for use by persons without authority to work in the United States.

(2) APPLICATION PROCESS.—The application process for a State driver's license or identification document shall include the presentation of such evidence of identity as is required by regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators.

(3) FORM OF LICENSE AND IDENTIFICATION DOCUMENT.—Each State driver's license and identification document shall be in a form consistent with requirements set forth in regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators. Such form shall contain security features designed to limit tampering, counterfeiting, and use by impostors.

(4) LIMITATION ON ACCEPTANCE OF LICENSE AND IDENTIFICATION DOCUMENT.—Neither the Social Security Administration or the Passport Office or any other Federal agency or any State or local government agency may accept for any evidentiary purpose a State driver's license or identification document in a form other than the form described in paragraph (3).

(5) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1997.

SEC. 119. ENHANCED CIVIL PENALTIES IF LABOR STANDARDS VIOLATIONS ARE PRESENT.

(a) IN GENERAL.—Section 274A(e) (8 U.S.C. 1324a(e)) is amended by adding at the end the following:

''(10)(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the amount of the penalty prescribed by this subsection in any case in which the employer has been found to have committed a willful violation or repeated violations of any of the following statutes:

''(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 120. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS TO PROSECUTE CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional Assistant United States Attorneys as may be necessary for the prosecution of actions brought under sections 274A and 274C of the Immigration and Nationality Act and sections 911, 1001, 1015 through 1018, 1028, 1030, 1541 through 1544, 1546, and 1621 of title 18, United States Code. Each such additional attorney shall be used primarily for such prosecutions.

SEC. 120A. SUBPOENA AUTHORITY FOR CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

(a) IMMIGRATION OFFICER AUTHORITY.—

(1) UNLAWFUL EMPLOYMENT.—Section 274A(e)(2) (8 U.S.C. 1324a(e)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).''.

(2) DOCUMENT FRAUD.—Section 274C(d)(1) (8 U.S.C. 1324c(d)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).''.

(b) SECRETARY OF LABOR SUBPOENA AUTHORITY.—

(1) IN GENERAL.—Chapter 9 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

''SECRETARY OF LABOR SUBPOENA AUTHORITY

''SEC. 294. The Secretary of Labor may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing conducted in the enforcement of any immigration program for which the Secretary of Labor has been delegated enforcement authority under the Act. In such hearing, the Secretary of Labor may administer oaths, examine witnesses, and receive evidence. For the purpose of any such hearing or investigation, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary of Labor.''.

(2) CONFORMING AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 293 the following new item:

''Sec. 294. Secretary of Labor subpoena authority.''.

SEC. 120B. TASK FORCE TO IMPROVE PUBLIC EDUCATION REGARDING UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) ESTABLISHMENT.—The Attorney General shall establish a task force within the Department of Justice charged with the responsibility of—

(1) providing advice and guidance to employers and employees relating to unlawful employment of aliens under section 274A of the Immigration and Nationality Act and unfair immigration-related employment practices under 274B of such Act; and

(2) assisting employers in complying with those laws.

(b) COMPOSITION.—The members of the task force shall be designated by the Attorney General from among officers or employees of the Immigration and Naturalization Service or other components of the Department of Justice.

(c) ANNUAL REPORT.—The task force shall report annually to the Attorney General on its operations.

SEC. 120C. NATIONWIDE FINGERPRINTING OF APPREHENDED ALIENS.

There are authorized to be appropriated such additional sums as may be necessary to ensure that the program ''IDENT'', operated by the Immigration and Naturalization Service pursuant to section 130007 of Public Law 103–322, shall be expanded into a nationwide program.

SEC. 120D. APPLICATION OF VERIFICATION PROCEDURES TO STATE AGENCY REFERRALS OF EMPLOYMENT.

Section 274A(a) (8 U.S.C. 1324a(a)) is amended by adding at the end the following new paragraph:

''(6) STATE AGENCY REFERRALS.—A State employment agency that refers any individual for employment shall comply with the procedures specified in subsection (b). For purposes of the attestation requirement in subsection (b)(1), the agency employee who is primarily involved in the referral of the individual shall make the attestation on behalf of the agency.''.

SEC. 120E. RETENTION OF VERIFICATION FORM.

Section 274A(b)(3) (8 U.S.C. 1324a(b)(3)) is amended by inserting after ''must retain the form'' the following: ''(except in any case of disaster, act of God, or other event beyond the control of the person or entity)''.

PART 3—ALIEN SMUGGLING; DOCUMENT FRAUD

SEC. 121. WIRETAP AUTHORITY FOR INVESTIGATIONS OF ALIEN SMUGGLING OR DOCUMENT FRAUD.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c), by striking ''or section 1992 (relating to wrecking trains)'' and inserting ''section 1992 (relating to wrecking trains), a felony violation of section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), section 1544 (relating to misuse of passports), or section 1546 (relating to fraud and misuse of visas, permits, and other documents)'';

(2) by striking ''or'' at the end of paragraph (*l*);

(3) by redesignating paragraphs (m), (n), and (*o*) as paragraphs (n), (*o*), and (p), respectively; and

(4) by inserting after paragraph (*l*) the following new paragraph:

''(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, or 1328) (relating to the smuggling of aliens);''.

SEC. 122. ADDITIONAL COVERAGE IN RICO FOR OFFENSES RELATING TO ALIEN SMUGGLING AND DOCUMENT FRAUD.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking ''or'' after ''law of the United States,'';

(2) by inserting ''or'' at the end of clause (E); and

(3) by adding at the end the following: ''(F) any act, or conspiracy to commit any act, in violation of—

''(i) section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), or section 1544 (relating to misuse of passports) of this title, or, for personal financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title; or

''(ii) section 274, 277, or 278 of the Immigration and Nationality Act.''.

SEC. 123. INCREASED CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

(a) IN GENERAL.—Section 274(a) (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''or'' at the end of clause (iii);

(B) by striking the comma at the end of clause (iv) and inserting ''; or''; and

(C) by adding at the end the following new clause:

''(v)(I) engages in any conspiracy to commit any of the preceding acts, or

''(II) aids or abets the commission of any of the preceding acts,'';

(2) in paragraph (1)(B)—

(A) in clause (i), by inserting ''or (v)(I)'' after ''(A)(i)'';

(B) in clause (ii), by striking ''or (iv)'' and inserting ''(iv), or (v)(II)'';

(C) in clause (iii), by striking ''or (iv)'' and inserting ''(iv), or (v)''; and

(D) in clause (iv), by striking ''or (iv)'' and inserting ''(iv), or (v)'';

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved'' and inserting ''for each alien in respect to whom a violation of this paragraph occurs''; and

(B) in the matter following subparagraph (B)(iii), by striking ''be fined'' and all that follows through the period and inserting the following: ''be fined under title 18, United States Code, and shall be imprisoned for a first or second offense, not more than 10 years, and for a third or subsequent offense, not more than 15 years.''; and

(4) by adding at the end the following new paragraph:

''(3) Any person who hires for employment an alien—

''(A) knowing that such alien is an unauthorized alien (as defined in section 274A(h)(3)), and

''(B) knowing that such alien has been brought into the United States in violation of this subsection,

shall be fined under title 18, United States Code, and shall be imprisoned for not more than 5 years.''.

(b) SMUGGLING OF ALIENS WHO WILL COMMIT CRIMES.—Section 274(a)(2)(B) (8 U.S.C. 1324(a)(2)) is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

''(iii) an offense committed with the intent, or with substantial reason to believe, that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year; or''.

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of offenses related to smuggling, transporting, harboring, or inducing aliens in violation of section 274(a)(1)(A) or (2)(B) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), (2)(B)) in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses described in paragraph (1)—

(A) increase the base offense level for such offenses at least 3 offense levels above the applicable level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for the number of aliens involved (U.S.S.G. 2L1.1(b)(2)), and increase the sentencing enhancement by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) impose an appropriate sentencing enhancement on a defendant who, in the course of committing an offense described in this subsection—

(i) murders or otherwise causes death, bodily injury, or serious bodily injury to an individual;

(ii) uses or brandishes a firearm or other dangerous weapon; or

(iii) engages in conduct that consciously or recklessly places another in serious danger of death or serious bodily injury;

(F) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 aliens or the defendant committed the offense other than for profit; and

(G) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 124. ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.

Section 274 (8 U.S.C. 1324) is amended by adding at the end thereof the following new subsection:

''(d) Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence.''.

SEC. 125. EXPANDED FORFEITURE FOR ALIEN SMUGGLING AND DOCUMENT FRAUD.

(a) IN GENERAL.—Section 274(b) (8 U.S.C. 1324(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) Any property, real or personal, which facilitates or is intended to facilitate, or has been or is being used in or is intended to be used in the commission of, a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or which constitutes, or is derived from or traceable to, the proceeds obtained directly or indirectly from a commission of a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall be subject to seizure and forfeiture, except that—

''(A) no property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the unlawful act;

''(B) no property shall be forfeited under this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of, or in conspiracy to violate, the criminal laws of the United States or of any State; and

''(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by such owner to have been committed or omitted without the knowledge or consent of such owner, unless such act or omission was committed by an employee or agent of such owner, and facilitated or was intended to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or was intended to further the business interests of the owner, or to confer any other benefit upon the owner.'';

(2) in paragraph (2)—

(A) by striking ''conveyance'' both places it appears and inserting ''property''; and

(B) by striking ''is being used in'' and inserting ''is being used in, is facilitating, has facilitated, or was intended to facilitate'';

(3) in paragraph (3)—

(A) by inserting ''(A)'' immediately after ''(3)'', and

(B) by adding at the end the following:

''(B) Before the seizure of any real property pursuant to this section, the Attorney General shall provide notice and an opportunity to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this subparagraph.'';

(4) in paragraphs (4) and (5), by striking ''a conveyance'' and ''conveyance'' each place such phrase or word appears and inserting ''property''; and

(5) in paragraph (4)—

(A) by striking ''or'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 126. CRIMINAL FORFEITURE FOR ALIEN SMUGGLING, UNLAWFUL EMPLOYMENT OF ALIENS, OR DOCUMENT FRAUD.

Section 274 (8 U.S.C. 1324(b)) is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following:

''(c) CRIMINAL FORFEITURE.—(1) Any person convicted of a violation of, or a conspiracy to violate, subsection (a) or section 274A(a)(1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall forfeit to the United States, regardless of any provision of State law—

''(A) any conveyance, including any vessel, vehicle, or aircraft used in the commission of a violation of, or a conspiracy to violate, subsection (a); and

''(B) any property real or personal—

''(i) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code; or

''(ii) that is used to facilitate, or is intended to be used to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code.

The court, in imposing sentence on such person, shall order that the person forfeit to the United States all property described in this subsection.

''(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsections (a) and (d) of such section 413.''.

SEC. 127. INCREASED CRIMINAL PENALTIES FOR FRAUDULENT USE OF GOVERNMENT-ISSUED DOCUMENTS.

(a) PENALTIES FOR FRAUD AND MISUSE OF GOVERNMENT-ISSUED IDENTIFICATION DOCUMENTS.—(1) Section 1028(b) of title 18, United States Code, is amended to read as follows:

''(b)(1)(A) An offense under subsection (a) that is—

''(i) the production or transfer of an identification document or false identification document that is or appears to be—

''(I) an identification document issued by or under the authority of the United States; or

''(II) a birth certificate, or a driver's license or personal identification card;

''(ii) the production or transfer of more than five identification documents or false identification documents; or

''(iii) an offense under paragraph (5) of such subsection (a);

shall be punishable under subparagraph (B).

''(B) Except as provided in paragraph (4), a person who violates an offense described in subparagraph (A) shall be punishable by—

''(i) a fine under this title, imprisonment for not more than 10 years, or both, for a first or second offense; or

''(ii) a fine under this title, imprisonment for not more than 15 years, or both, for a third or subsequent offense.

''(2) A person convicted of an offense under subsection (a) that is—

''(A) any other production or transfer of an identification document or false identification document; or

''(B) an offense under paragraph (3) of such subsection;

shall be punishable by a fine under this title, imprisonment for not more than three years, or both.

''(3) A person convicted of an offense under subsection (a), other than an offense described in paragraph (1) or (2), shall be punishable by a fine under this title, imprisonment for not more than one year, or both.

''(4) Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense described in paragraph (1)(A) shall be—

''(A) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), 15 years; and

''(B) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), 20 years.''.

(2) Sections 1541 through 1544 of title 18, United States Code, are amended by striking be fined under this title, imprisoned not more than 10 years, or both.'' each place it appears and inserting the following:

'', except as otherwise provided in this section, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(3) Section 1546(a) of title 18, United States Code, is amended by striking ''be fined under this title, imprisoned not more than 10 years, or both.'' and inserting the following:

'', except as otherwise provided in this subsection, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this subsection, the maximum term of imprisonment that may be imposed for an offense under this subsection—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(4) Sections 1425 through 1427 of title 18, United States Code, are amended by striking ''be fined not more than $5,000 or imprisoned not more than five years, or both'' each place it appears and inserting '', except as otherwise provided in this section, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(b) CHANGES TO THE SENTENCING LEVELS.—

(1) IN GENERAL.—Pursuant to the Commission's authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of violating, or conspiring to violate, sections 1028(b)(1), 1425 through 1427, 1541 through 1544, and 1546(a) of title 18, United States Code, in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses referred to in paragraph (1)—

(A) increase the base offense level for such offenses at least 2 offense levels above the level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for number of documents or passports involved (U.S.S.G. 2L2.1(b)(2)), and increase the upward adjustment by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 documents, or the defendant committed the offense other than for profit and the offense was not committed to facilitate an act of international terrorism; and

(F) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 128. CRIMINAL PENALTY FOR FALSE STATEMENT IN A DOCUMENT REQUIRED UNDER THE IMMIGRATION LAWS OR KNOWINGLY PRESENTING DOCUMENT WHICH FAILS TO CONTAIN REASONABLE BASIS IN LAW OR FACT.

The fourth undesignated paragraph of section 1546(a) of title 18, United States Code, is amended to read as follows:

''Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact—''.

SEC. 129. NEW CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS PREPARER OF FALSE APPLICATION FOR ASYLUM OR FOR PREPARING CERTAIN POST-CONVICTION APPLICATIONS.

Section 274C (8 U.S.C. 1324c) is amended by adding at the end the following new subsection:

''(e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—(1) Whoever, in any matter within the jurisdiction of the Service under section 208 of this Act, knowingly and willfully fails to disclose, conceals, or covers up the fact that they have, on behalf of any person and for a fee or other remuneration, prepared or assisted in preparing an application which was falsely made (as defined in subsection (f)) for immigration benefits pursuant to section 208 of this Act, or the regulations promulgated thereunder, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 5 years, or both, and prohibited from preparing or assisting in preparing, whether or not for a fee or other remuneration, any other such application.

''(2) Whoever, having been convicted of a violation of paragraph (1), knowingly and willfully prepares or assists in preparing an application for immigration benefits pursuant to this Act, or the regulations promulgated thereunder, whether or not for a fee or other remuneration and regardless of whether in any matter within the jurisdiction of the Service under section 208, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 15 years, or both, and prohibited from preparing or assisting in preparing any other such application.''.

SEC. 130. NEW DOCUMENT FRAUD OFFENSES; NEW CIVIL PENALTIES FOR DOCUMENT FRAUD.

(a) ACTIVITIES PROHIBITED.—Section 274C(a) (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (1), by inserting before the comma at the end the following: ''or to obtain a benefit under this Act'';

(2) in paragraph (2), by inserting before the comma at the end the following: ''or to obtain a benefit under this Act'';

(3) in paragraph (3)—

(A) by inserting ''or with respect to'' after ''issued to'';

(B) by adding before the comma at the end the following: ''or obtaining a benefit under this Act''; and

(C) by striking ''or'' at the end;

(4) in paragraph (4)—

(A) by inserting ''or with respect to'' after ''issued to'';

(B) by adding before the period at the end the following: ''or obtaining a benefit under this Act''; and

(C) by striking the period at the end and inserting '', or''; and

(5) by adding at the end the following new paragraphs:

''(5) to prepare, file, or assist another in preparing or filing, any application for benefits under this Act, or any document required under this Act, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted; or

''(6) to (A) present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States, and (B) fail to present such document to an immigration officer upon arrival at a United States port of entry.''.

(b) DEFINITION OF FALSELY MAKE.—Section 274C (8 U.S.C. 1324c), as amended by section 129 of this Act, is further amended by adding at the end the following new subsection:

''(f) FALSELY MAKE.—For purposes of this section, the term 'falsely make' means to prepare or provide an application or document, with knowledge or in reckless disregard of the fact that the application or document contains a false, fictitious, or fraudulent statement or material representation, or has no basis in law or fact, or otherwise fails to state a fact which is material to the purpose for which it was submitted.''.

(c) CONFORMING AMENDMENT.—Section 274C(d)(3) (8 U.S.C. 1324c(d)(3)) is amended by striking ''each document used, accepted, or created and each instance of use, acceptance, or creation'' each place it appears and inserting ''each document that is the subject of a violation under subsection (a)''.

(d) ENHANCED CIVIL PENALTIES FOR DOCUMENT FRAUD IF LABOR STANDARDS VIOLATIONS ARE PRESENT.—Section 274C(d) (8

U.S.C. 1324c(d)) is amended by adding at the end the following new paragraph:

''(7) CIVIL PENALTY.—(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the level of the penalty prescribed by this subsection in any case where the employer has been found to have committed willful or repeated violations of any of the following statutes:

''(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.''.

(e) WAIVER BY ATTORNEY GENERAL.—Section 274C(d) (8 U.S.C. 1324c(d)), as amended by subsection (d), is further amended by adding at the end the following new paragraph:

''(8) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the penalties imposed by this section with respect to an alien who knowingly violates paragraph (6) if the alien is granted asylum under section 208 or withholding of deportation under section 243(h).''.

(f) EFFECTIVE DATE.—

(1) DEFINITION OF FALSELY MAKE.—Section 274C(f) of the Immigration and Nationality Act, as added by subsection (b), applies to the preparation of applications before, on, or after the date of the enactment of this Act.

(2) ENHANCED CIVIL PENALTIES.—The amendments made by subsection (d) apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 131. NEW EXCLUSION FOR DOCUMENT FRAUD OR FOR FAILURE TO PRESENT DOCUMENTS.

Section 212(a)(6)(C) (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking ''(C) Misrepresentation'' and inserting the following:

''(C) Fraud, misrepresentation, and failure to present documents''; and

(2) by adding at the end the following new clause:

''(iii) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS.—

''(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

''(II) Any alien who is required to present a document relating to the alien's eligibility to enter the United States prior to boarding a common carrier for the purpose of coming to the United States and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States is excludable.''.

SEC. 132. LIMITATION ON WITHHOLDING OF DEPORTATION AND OTHER BENEFITS FOR ALIENS EXCLUDABLE FOR DOCUMENT FRAUD OR FAILING TO PRESENT DOCUMENTS, OR EXCLUDABLE ALIENS APPREHENDED AT SEA.

(a) INELIGIBILITY.—Section 235 (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

''(d)(1) Subject to paragraph (2), any alien who has not been admitted to the United States, and who is excludable under section 212(a)(6)(C)(iii) or who is an alien described in paragraph (3), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply therefor or for any other relief under this Act, except that an alien found to have a credible fear of persecution or of return to persecution in accordance with section 208(e) shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

''(2) An alien described in paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned under the provisions of this section only to a country in which (or from which) he or she has no credible fear of persecution (or of return to persecution). If there is no country to which the alien can be returned in accordance with the provisions of this paragraph, the alien shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

''(3) Any alien who is excludable under section 212(a), and who has been brought or escorted under the authority of the United States—

''(A) into the United States, having been on board a vessel encountered seaward of the territorial sea by officers of the United States; or

''(B) to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States;

shall either be detained on board the vessel on which such person arrived or in such facilities as are designated by the Attorney General or paroled in the discretion of the Attorney General pursuant to section 212(d)(5) pending accomplishment of the purpose for which the person was brought or escorted into the United States or to the port of entry, except that no alien shall be detained on board a public vessel of the United States without the concurrence of the head of the department under whose authority the vessel is operating.''.

(b) CONFORMING AMENDMENTS.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking ''Deportation'' and inserting ''Subject to section 235(d)(2), deportation''; and

(2) in the first sentence of paragraph (2), by striking ''If'' and inserting ''Subject to section 235(d)(2), if''.

SEC. 133. PENALTIES FOR INVOLUNTARY SERVITUDE.

(a) AMENDMENTS TO TITLE 18.—Sections 1581, 1583, 1584, and 1588 of title 18, United States Code, are amended by striking ''five'' each place it appears and inserting ''10''.

(b) REVIEW OF SENTENCING GUIDELINES.—The United States Sentencing Commission shall ascertain whether there exists an unwarranted disparity—

(1) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses in effect on the date of the enactment of this Act; and

(2) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for alien smuggling offenses in effect on the date of the enactment of this Act and after the amendment made by subsection (a).

(c) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review its guidelines on sentencing for peonage, involuntary servitude, and slave trade offenses under sections 1581 through 1588 of title 18, United States Code, and shall amend such guidelines as necessary to—

(1) reduce or eliminate any unwarranted disparity found under subsection (b) that exists between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses and alien smuggling offenses;

(2) ensure that the applicable guidelines for defendants convicted of peonage, involuntary servitude, and slave trade offenses are sufficiently stringent to deter such offenses and adequately reflect the heinous nature of such offenses; and

(3) ensure that the guidelines reflect the general appropriateness of enhanced sentences for defendants whose peonage, involuntary servitude, or slave trade offenses involve—

(A) a large number of victims;

(B) the use or threatened use of a dangerous weapon; or

(C) a prolonged period of peonage or involuntary servitude.

SEC. 134. EXCLUSION RELATING TO MATERIAL SUPPORT TO TERRORISTS.

Section 212(a)(3)(B)(iii)(III) (8 U.S.C. 1182(a)(3)(B)(iii)(III)) is amended by inserting ''documentation or'' before ''identification''.

PART 4—EXCLUSION AND DEPORTATION

SEC. 141. SPECIAL EXCLUSION PROCEDURE.

(a) ARRIVALS FROM CONTIGUOUS FOREIGN TERRITORY.—Section 235 (8 U.S.C. 1225) is amended—

(1) by redesignating subsection (b) as subsection (b)(1); and

(2) by adding at the end of subsection (b)(1), as redesignated, the following new paragraph:

''(2) If an alien subject to such further inquiry has arrived from a foreign territory contiguous to the United States, either at a land port of entry or on the land of the United States other than at a designated port of entry, the alien may be returned to that territory pending the inquiry.''.

(b) SPECIAL ORDERS OF EXCLUSION AND DEPORTATION.—Section 235 (8 U.S.C. 1225), as amended by section 132 of this Act, is further amended by adding at the end the following:

''(e)(1) Notwithstanding the provisions of subsection (b) of this section and section 236, the Attorney General may, without referral to a special inquiry officer or after such a referral, order the exclusion and deportation of any alien if—

''(A) the alien appears to an examining immigration officer, or to a special inquiry officer if such referral is made, to be an alien who—

''(i) has entered the United States without having been inspected and admitted by an immigration officer pursuant to this section, unless such alien affirmatively demonstrates to the satisfaction of such immigration officer or special inquiry officer that he has been physically present in the United States for an uninterrupted period of at least two years since such entry without inspection;

''(ii) is excludable under section 212(a)(6)(C)(iii);

''(iii) is brought or escorted under the authority of the United States into the United States, having been on board a vessel encountered outside of the territorial waters of the United States by officers of the United States;

''(iv) is brought or escorted under the authority of the United States to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States; or

''(v) has arrived on a vessel transporting aliens to the United States without such alien having received prior official authorization to come to, enter, or reside in the United States; or

''(B) the Attorney General has determined that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation.

''(2) As used in this section, the phrase 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity for the inspection and examination of such aliens.

''(3)(A) Subject to subparagraph (B), the determination of whether there exists an extraordinary migration situation or whether to invoke the provisions of paragraph (1) (A) or (B) is committed to the sole and exclusive discretion of the Attorney General.

''(B) The provisions of this subsection may be invoked under paragraph (1)(B) for a period not to exceed 90 days, unless, within such 90-day period or an extension thereof authorized by this subparagraph, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

''(4) When the Attorney General invokes the provisions of clause (iii), (iv), or (v) of paragraph (1)(A) or paragraph (1)(B), the Attorney General may, pursuant to this section and sections 235(e) and 106(f), suspend, in whole or in part, the operation of immigration regulations regarding the inspection and exclusion of aliens.

''(5) No alien may be ordered specially excluded under paragraph (1) if—

''(A) such alien is eligible to seek, and seeks, asylum under section 208; and

''(B) the Attorney General determines, in the procedure described in section 208(e), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

An alien may be returned to a country in which the alien does not have a credible fear of persecution and from which the alien does not have a credible fear of return to persecution.

''(6) A special exclusion order entered in accordance with the provisions of this subsection is not subject to administrative review, except that the Attorney General shall provide by regulation for prompt review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to be, and appears to be, lawfully admitted for permanent residence.

''(7) A special exclusion order entered in accordance with the provisions of this subsection shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall be available only under section 106(f).

''(8) Nothing in this subsection may be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.''.

SEC. 142. STREAMLINING JUDICIAL REVIEW OF ORDERS OF EXCLUSION OR DEPORTATION.

(a) IN GENERAL.—Section 106 (8 U.S.C. 1105a) is amended to read as follows:

''JUDICIAL REVIEW OF ORDERS OF DEPORTATION, EXCLUSION, AND SPECIAL EXCLUSION

''SEC. 106. (a) APPLICABLE PROVISIONS.—Except as provided in subsection (b), judicial review of a final order of exclusion or deportation is governed only by chapter 158 of title 28 of the United States Code, but in no such review may a court order the taking of additional evidence pursuant to section 2347(c) of title 28, United States Code.

''(b) REQUIREMENTS.—(1)(A) A petition for judicial review must be filed not later than 30 days after the date of the final order of exclusion or deportation, except that in the case of any specially deportable criminal alien (as defined in section 242(k)), there shall be no judicial review of any final order of deportation.

''(B) The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the Attorney General, and the court may not extend these deadlines except upon motion for good cause shown.

''(C) If an alien fails to file a brief in connection with a petition for judicial review within the time provided in this paragraph, the Attorney General may move to dismiss the appeal, and the court shall grant such motion unless a manifest injustice would result.

''(2) A petition for judicial review shall be filed with the court of appeals for the judicial circuit in which the special inquiry officer completed the proceedings.

''(3) The respondent of a petition for judicial review shall be the Attorney General. The petition shall be served on the Attorney General and on the officer or employee of the Immigration and Naturalization Service in charge of the Service district in which the final order of exclusion or deportation was entered. Service of the petition on the officer or employee does not stay the deportation of an alien pending the court's decision on the petition, unless the court orders otherwise.

''(4)(A) Except as provided in paragraph (5)(B), the court of appeals shall decide the petition only on the administrative record on which the order of exclusion or deportation is based and the Attorney General's findings of fact shall be conclusive unless a reasonable adjudicator would be compelled to conclude to the contrary.

''(B) The Attorney General's discretionary judgment whether to grant relief under section 212 (c) or (i), 244 (a) or (d), or 245 shall be conclusive and shall not be subject to review.

''(C) The Attorney General's discretionary judgment whether to grant relief under section 208(a) shall be conclusive unless manifestly contrary to law and an abuse of discretion.

''(5)(A) If the petitioner claims to be a national of the United States and the court of appeals finds from the pleadings and affidavits that no genuine issue of material fact about the petitioner's nationality is presented, the court shall decide the nationality claim.

''(B) If the petitioner claims to be a national of the United States and the court of appeals finds that a genuine issue of material fact about the petitioner's nationality is presented, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides for a new hearing on the nationality claim and a decision on that claim as if an action had been brought in the district court under section 2201 of title 28, United States Code.

''(C) The petitioner may have the nationality claim decided only as provided in this section.

''(6)(A) If the validity of an order of deportation has not been judicially decided, a defendant in a criminal proceeding charged with violating subsection (d) or (e) of section 242 may challenge the validity of the order in the criminal proceeding only by filing a separate motion before trial. The district court, without a jury, shall decide the motion before trial.

''(B) If the defendant claims in the motion to be a national of the United States and the district court finds that no genuine issue of material fact about the defendant's nationality is presented, the court shall decide the motion only on the administrative record on which the deportation order is based. The administrative findings of fact are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole.

''(C) If the defendant claims in the motion to be a national of the United States and the district court finds that a genuine issue of material fact about the defendant's nationality is presented, the court shall hold a new hearing on the nationality claim and decide that claim as if an action had been brought under section 2201 of title 28, United States Code.

''(D) If the district court rules that the deportation order is invalid, the court shall dismiss the indictment. The United States Government may appeal the dismissal to the court of appeals for the appropriate circuit within 30 days. The defendant may not file a petition for review under this section during the criminal proceeding. The defendant may have the nationality claim decided only as provided in this section.

''(7) This subsection—

''(A) does not prevent the Attorney General, after a final order of deportation has been issued, from detaining the alien under section 242(c);

''(B) does not relieve the alien from complying with subsection (d) or (e) of section 242; and

''(C) except as provided in paragraph (3), does not require the Attorney General to defer deportation of the alien.

''(8) The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

''(c) REQUIREMENTS FOR PETITION.—A petition for review of an order of exclusion or deportation shall state whether a court has upheld the validity of the order, and, if so, shall state the name of the court, the date of the court's ruling, and the kind of proceeding.

''(d) REVIEW OF FINAL ORDERS.—

''(1) A court may review a final order of exclusion or deportation only if—

''(A) the alien has exhausted all administrative remedies available to the alien as a matter of right; and

''(B) another court has not decided the validity of the order, unless, subject to paragraph (2), the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

''(2) Nothing in paragraph (1)(B) may be construed as creating a right of review if such review would be inconsistent with subsection (e), (f), or (g), or any other provision of this section.

''(e) NO JUDICIAL REVIEW FOR ORDERS OF DEPORTATION OR EXCLUSION ENTERED AGAINST CERTAIN CRIMINAL ALIENS.—Notwithstanding any other provision of law, any order of exclusion or deportation against an alien who is excludable or deportable by reason of having committed any criminal offense described in subparagraph (A)(iii), (B),

(C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), is not subject to review by any court.

''(f) LIMITED REVIEW FOR SPECIAL EXCLUSION AND DOCUMENT FRAUD.—(1) Notwithstanding any other provision of law, except as provided in this subsection, no court shall have jurisdiction to review any individual determination or to hear any other cause of action or claim arising from or relating to the implementation or operation of sections 208(e), 212(a)(6)(iii), 235(d), and 235(e).

''(2)(A) Except as provided in this subsection, there shall be no judicial review of—

''(i) a decision by the Attorney General to invoke the provisions of section 235(e);

''(ii) the application of section 235(e) to individual aliens, including the determination made under paragraph (5); or

''(iii) procedures and policies adopted by the Attorney General to implement the provisions of section 235(e).

''(B) Without regard to the nature of the action or claim, or the identity of the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection, or to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

''(3) Judicial review of any cause, claim, or individual determination made or arising under or relating to section 208(e), 212(a)(6)(iii), 235(d), or 235(e) shall only be available in a habeas corpus proceeding, and shall be limited to determinations of—

''(A) whether the petitioner is an alien;

''(B) whether the petitioner was ordered specially excluded; and

''(C) whether the petitioner can prove by a preponderance of the evidence that he or she is an alien lawfully admitted for permanent residence and is entitled to such further inquiry as is prescribed by the Attorney General pursuant to section 235(e)(6).

''(4)(A) In any case where the court determines that the petitioner—

''(i) is an alien who was not ordered specially excluded under section 235(e), or

''(ii) has demonstrated by a preponderance of the evidence that he or she is a lawful permanent resident,

the court may order no remedy or relief other than to require that the petitioner be provided a hearing in accordance with section 236 or a determination in accordance with section 235(c) or 273(d).

''(B) Any alien who is provided a hearing under section 236 pursuant to these provisions may thereafter obtain judicial review of any resulting final order of exclusion pursuant to this section.

''(5) In determining whether an alien has been ordered specially excluded under section 235(e), the court's inquiry shall be limited to whether such an order in fact was issued and whether it relates to the petitioner. There shall be no review of whether the alien is actually excludable or entitled to any relief from exclusion.

''(g) NO COLLATERAL ATTACK.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or 276, no court shall have jurisdiction to hear claims attacking the validity of orders of exclusion, special exclusion, or deportation entered under section 235, 236, or 242.''.

(b) RESCISSION OF ORDER.—Section 242B(c)(3) (8 U.S.C. 1252b(c)(3)) is amended by striking the period at the end and inserting ''by the special inquiry officer, but there shall be no stay pending further administrative or judicial review, unless ordered because of individually compelling circumstances.''.

(c) CLERICAL AMENDMENT.—The table of contents of the Act is amended by amending the item relating to section 106 to read as follows:

''Sec. 106. Judicial review of orders of deportation, exclusion, and special exclusion.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to all final orders of exclusion or deportation entered, and motions to reopen filed, on or after the date of the enactment of this Act.

SEC. 143. CIVIL PENALTIES AND VISA INELIGIBILITY, FOR FAILURE TO DEPART.

(a) ALIENS SUBJECT TO AN ORDER OF EXCLUSION OR DEPORTATION.—The Immigration and Nationality Act is amended by inserting after section 274C (8 U.S.C. 1324c) the following new section:

''CIVIL PENALTIES FOR FAILURE TO DEPART

''SEC. 274D. (a) Any alien subject to a final order of exclusion and deportation or deportation who—

''(1) willfully fails or refuses to—

''(A) depart on time from the United States pursuant to the order;

''(B) make timely application in good faith for travel or other documents necessary for departure; or

''(C) present himself or herself for deportation at the time and place required by the Attorney General; or

''(2) conspires to or takes any action designed to prevent or hamper the alien's departure pursuant to the order,

shall pay a civil penalty of not more than $500 to the Commissioner for each day the alien is in violation of this section.

''(b) The Commissioner shall deposit amounts received under subsection (a) as offsetting collections in the appropriate appropriations account of the Service.

''(c) Nothing in this section shall be construed to diminish or qualify any penalties to which an alien may be subject for activities proscribed by section 242(e) or any other section of this Act.''.

(b) VISA OVERSTAYER.—The Immigration and Nationality Act is amended in section 212 (8 U.S.C. 1182) by inserting the following new subsection:

''(p)(1) Any lawfully admitted nonimmigrant who remains in the United States for more than 60 days beyond the period authorized by the Attorney General shall be ineligible for additional nonimmigrant or immigrant visas (other than visas available for spouses of United States citizens or aliens lawfully admitted for permanent residence) until the date that is—

''(A) 3 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant not described in paragraph (2); or

''(B) 5 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant who without reasonable cause fails or refuses to attend or remain in attendance at a proceeding to determine the nonimmigrant's deportability.

''(2)(A) Paragraph (1) shall not apply to any lawfully admitted nonimmigrant who is described in paragraph (1)(A) and who demonstrates good cause for remaining in the United States for the entirety of the period (other than the first 60 days) during which the nonimmigrant remained in the United States without the authorization of the Attorney General.

''(B) A final order of deportation shall not be stayed on the basis of a claim of good cause made under this subsection.

''(3) The Attorney General shall by regulation establish procedures necessary to implement this section.''.

(c) EFFECTIVE DATE.—Subsection (b) shall take effect on the date of implementation of the automated entry-exit control system described in section 201, or on the date that is 2 years after the date of enactment of this Act, whichever is earlier.

(d) AMENDMENTS TO TABLE OF CONTENTS.—The table of contents of the Act is amended by inserting after the item relating to section 274C the following:

''Sec. 274D. Civil penalties for failure to depart.''.

SEC. 144. CONDUCT OF PROCEEDINGS BY ELECTRONIC MEANS.

Section 242(b) (8 U.S.C. 1252(b)) is amended by inserting at the end the following new sentences: ''Nothing in this subsection precludes the Attorney General from authorizing proceedings by video electronic media, by telephone, or, where a requirement for the alien's appearance is waived or the alien's absence is agreed to by the parties, in the absence of the alien. Contested full evidentiary hearings on the merits may be conducted by telephone only with the consent of the alien.''.

SEC. 145. SUBPOENA AUTHORITY.

(a) EXCLUSION PROCEEDINGS.—Section 236(a) (8 U.S.C. 1226(a)) is amended in the first sentence by inserting ''issue subpoenas,'' after ''evidence,''.

(b) DEPORTATION PROCEEDINGS.—Section 242(b) (8 U.S.C. 1252(b)) is amended in the first sentence by inserting ''issue subpoenas,'' after ''evidence,''.

SEC. 146. LANGUAGE OF DEPORTATION NOTICE; RIGHT TO COUNSEL.

(a) LANGUAGE OF NOTICE.—Section 242B (8 U.S.C. 1252b) is amended in subsection (a)(3) by striking ''under this subsection'' and all that follows through ''(B)'' and inserting ''under this subsection''.

(b) PRIVILEGE OF COUNSEL.—(1) Section 242B(b)(1) (8 U.S.C. 1252b(b)(1)) is amended by inserting before the period at the end the following: '', except that a hearing may be scheduled as early as 3 days after the service of the order to show cause if the alien has been continued in custody subject to section 242''.

(2) The parenthetical phrase in section 292 (8 U.S.C. 1362) is amended to read as follows: ''(at no expense to the Government or unreasonable delay to the proceedings)''.

(3) Section 242B(b) (8 U.S.C. 1252b(b)) is further amended by inserting at the end the following new paragraph:

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent the Attorney General from proceeding against an alien pursuant to section 242 if the time period described in paragraph (1) has elapsed and the alien has failed to secure counsel.''.

SEC. 147. ADDITION OF NONIMMIGRANT VISAS TO TYPES OF VISA DENIED FOR COUNTRIES REFUSING TO ACCEPT DEPORTED ALIENS.

(a) IN GENERAL.—Section 243(g) (8 U.S.C. 1253(g)) is amended to read as follows:

''(g)(1) If the Attorney General determines that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject, or resident thereof, the Attorney General shall notify the Secretary of such fact, and thereafter, subject to paragraph (2), neither the Secretary of State nor any consular officer shall issue an immigrant or nonimmigrant visa to any national, citizen, subject, or resident of such country.

''(2) The Secretary of State may waive the application of paragraph (1) if the Secretary determines that such a waiver is necessary to comply with the terms of a treaty or international agreement or is in the national interest of the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to countries for which the Secretary of State gives

instructions to United States consular officers on or after the date of the enactment of this Act.

SEC. 148. AUTHORIZATION OF SPECIAL FUND FOR COSTS OF DEPORTATION.

In addition to any other funds otherwise available in any fiscal year for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service $10,000,000 for use without fiscal year limitation for the purpose of—

(1) executing final orders of deportation pursuant to sections 242 and 242A of the Immigration and Nationality Act (8 U.S.C. 1252 and 1252a); and

(2) detaining aliens prior to the execution of final orders of deportation issued under such sections.

SEC. 149. PILOT PROGRAM TO INCREASE EFFICIENCY IN REMOVAL OF DETAINED ALIENS.

(a) AUTHORITY.—The Attorney General shall conduct one or more pilot programs to study methods for increasing the efficiency of deportation and exclusion proceedings against detained aliens by increasing the availability of pro bono counseling and representation for such aliens. Any such pilot program may provide for administrative grants to not-for-profit organizations involved in the counseling and representation of aliens in immigration proceedings. An evaluation component shall be included in any such pilot program to test the efficiency and cost-effectiveness of the services provided and the replicability of such programs at other locations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the program or programs described in subsection (a).

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as creating a right for any alien to be represented in any exclusion or deportation proceeding at the expense of the Government.

SEC. 150. LIMITATIONS ON RELIEF FROM EXCLUSION AND DEPORTATION.

(a) LIMITATION.—Section 212(c) (8 U.S.C. 1182(c)) is amended to read as follows:

''(c)(1) Subject to paragraphs (2) through (5), an alien who is and has been lawfully admitted for permanent residence for at least 5 years, who has resided in the United States continuously for 7 years after having been lawfully admitted, and who is returning to such residence after having temporarily proceeded abroad voluntarily and not under an order of deportation, may be admitted in the discretion of the Attorney General without regard to the provisions of subsection (a) (other than paragraphs (3) and (9)(C)).

''(2) For purposes of this subsection, any period of continuous residence shall be deemed to end when the alien is placed in proceedings to exclude or deport the alien from the United States.

''(3) Nothing contained in this subsection shall limit the authority of the Attorney General to exercise the discretion authorized under section 211(b).

''(4) Paragraph (1) shall not apply to an alien who has been convicted of one or more aggravated felonies and has been sentenced for such felony or felonies to a term or terms of imprisonment totalling, in the aggregate, at least 5 years.

''(5) This subsection shall apply only to an alien in proceedings under section 236.''.

(b) CANCELLATION OF DEPORTATION.—Section 244 (8 U.S.C. 1254) is amended to read as follows:

''CANCELLATION OF DEPORTATION; ADJUSTMENT OF STATUS; VOLUNTARY DEPARTURE

''SEC. 244. (a) CANCELLATION OF DEPORTATION.—(1) The Attorney General may, in the Attorney General's discretion, cancel deportation in the case of an alien who is deportable from the United States and—

''(A) is, and has been for at least 5 years, a lawful permanent resident; has resided in the United States continuously for not less than 7 years after being lawfully admitted; and has not been convicted of an aggravated felony or felonies for which the alien has been sentenced to a term or terms of imprisonment totaling, in the aggregate, at least 5 years;

''(B) has been physically present in the United States for a continuous period of not less than 7 years since entering the United States; has been a person of good moral character during such period; and establishes that deportation would result in extreme hardship to the alien or the alien's spouse, parent, or child, who is a citizen or national of the United States or an alien lawfully admitted for permanent residence;

''(C) has been physically present in the United States for a continuous period of not less than three years since entering the United States; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident (or is the parent of a child who is a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such citizen or permanent resident parent); has been a person of good moral character during all of such period in the United States; and establishes that deportation would result in extreme hardship to the alien or the alien's parent or child; or

''(D) is deportable under paragraph (2) (A), (B), or (D), or paragraph (3) of section 241(a); has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(2)(A) For purposes of paragraph (1), any period of continuous residence or continuous physical presence in the United States shall be deemed to end when the alien is served an order to show cause pursuant to section 242 or 242B.

''(B) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1) (B), (C), or (D) if the alien was absent from the United States for any single period of more than 90 days or an aggregate period of more than 180 days.

''(C) A person who is deportable under section 241(a)(2)(C) or 241(a)(4) shall not be eligible for relief under this section.

''(D) A person who is deportable under section 241(a)(2) (A), (B), or (D) or section 241(a)(3) shall not be eligible for relief under paragraph (1) (A), (B), or (C).

''(E) A person who has been convicted of an aggravated felony shall not be eligible for relief under paragraph (1) (B), or (C), (D).

''(F) A person who is deportable under section 241(a)(1)(G) shall not be eligible for relief under paragraph (1)(C).

''(b) CONTINUOUS PHYSICAL PRESENCE NOT REQUIRED BECAUSE OF HONORABLE SERVICE IN ARMED FORCES AND PRESENCE UPON ENTRY INTO SERVICE.—The requirements of continuous residence or continuous physical presence in the United States specified in subsection (a)(1) (A) and (B) shall not be applicable to an alien who—

''(1) has served for a minimum period of 24 months in an active-duty status in the Armed Forces of the United States and, if separated from such service, was separated under honorable conditions, and

''(2) at the time of his or her enlistment or induction, was in the United States.

''(c) ADJUSTMENT OF STATUS.—The Attorney General may cancel deportation and adjust to the status of an alien lawfully admitted for permanent residence any alien who the Attorney General determines meets the requirements of subsection (a)(1) (B), (C), or (D). The Attorney General shall record the alien's lawful admission for permanent residence as of the date the Attorney General decides to cancel such alien's removal.

''(d) ALIEN CREWMEN; NONIMMIGRANT EXCHANGE ALIENS ADMITTED TO RECEIVE GRADUATE MEDICAL EDUCATION OR TRAINING; OTHER.—The provisions of subsection (a) shall not apply to an alien who—

''(1) entered the United States as a crewman after June 30, 1964;

''(2) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, in order to receive graduate medical education or training, without regard to whether or not the alien is subject to or has fulfilled the two-year foreign residence requirement of section 212(e); or

''(3)(A) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, other than to receive graduate medical education or training;

''(B) is subject to the two-year foreign residence requirement of section 212(e); and

''(C) has not fulfilled that requirement or received a waiver thereof, or, in the case of a foreign medical graduate who has received a waiver pursuant to section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416), has not fulfilled the requirements of section 214(k).

''(e) VOLUNTARY DEPARTURE.—(1)(A) The Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense—

''(i) in lieu of being subject to deportation proceedings under section 242 or prior to the completion of such proceedings, if the alien is not a person deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); or

''(ii) after the completion of deportation proceedings under section 242, only if a special inquiry officer determines that—

''(I) the alien is, and has been for at least 5 years immediately preceding the alien's application for voluntary departure, a person of good moral character;

''(II) the alien is not deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); and

''(III) the alien establishes by clear and convincing evidence that the alien has the means to depart the United States and intends to do so.

''(B)(i) In the case of departure pursuant to subparagraph (A)(i), the Attorney General may require the alien to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.

''(ii) If any alien who is authorized to depart voluntarily under this paragraph is financially unable to depart at the alien's own expense and the Attorney General deems the alien's removal to be in the best interest of the United States, the expense of such removal may be paid from the appropriation for enforcement of this Act.

''(C) In the case of departure pursuant to subparagraph (A)(ii), the alien shall be required to post a voluntary departure bond, in

an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified.

''(2) If the alien fails voluntarily to depart the United States within the time period specified in accordance with paragraph (1), the alien shall be subject to a civil penalty of not more than $500 per day and shall be ineligible for any further relief under this subsection or subsection (a).

''(3)(A) The Attorney General may by regulation limit eligibility for voluntary departure for any class or classes of aliens.

''(B) No court may review any regulation issued under subparagraph (A).

''(4) No court shall have jurisdiction over an appeal from denial of a request for an order of voluntary departure under paragraph (1), nor shall any court order a stay of an alien's removal pending consideration of any claim with respect to voluntary departure.''.

(c) CONFORMING AMENDMENTS.—(1) Section 242(b) (8 U.S.C. 1252(b)) is amended by striking the last two sentences.

(2) Section 242B (8 U.S.C. 1252b) is amended—

(A) in subsection (e)(2), by striking ''section 244(e)(1)'' and inserting ''section 244(e)''; and

(B) in subsection (e)(5)—

(i) by striking ''suspension of deportation'' and inserting ''cancellation of deportation''; and

(ii) by inserting ''244,'' before ''245''.

(d) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents of the Act is amended by amending the item relating to section 244 to read as follows:

''Sec. 244. Cancellation of deportation; adjustment of status; voluntary departure.''.

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)), except that, for purposes of determining the period of continuous residence, the amendments made by subsection (a) shall apply to all aliens against whom proceedings are commenced on or after the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254), except that, for purposes of determining the periods of continuous residence or continuous physical presence, the amendments made by subsection (b) shall apply to all aliens upon whom an order to show cause is served on or after the date of the enactment of this Act.

(3) The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 151. ALIEN STOWAWAYS.

(a) DEFINITION.—Section 101(a) (8 U.S.C. 1101) is amended by adding the following new paragraph:

''(47) The term 'stowaway' means any alien who obtains transportation without the consent of the owner, charterer, master, or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.''.

(b) EXCLUDABILITY.—Section 237 (8 U.S.C. 1227) is amended—

(1) in subsection (a)(1), before the period at the end of the first sentence, by inserting the following: '', or unless the alien is an excluded stowaway who has applied for asylum or withholding of deportation and whose application has not been adjudicated or whose application has been denied but who has not exhausted every appeal right''; and

(2) by inserting after the first sentence in subsection (a)(1) the following new sentences: ''Any alien stowaway inspected upon arrival in the United States is an alien who is excluded within the meaning of this section. For purposes of this section, the term 'alien' includes an excluded stowaway. The provisions of this section concerning the deportation of an excluded alien shall apply to the deportation of a stowaway under section 273(d).''.

(c) CARRIER LIABILITY FOR COSTS OF DETENTION.—Section 273(d) (8 U.S.C. 1323(d)) is amended to read as follows:

''(d)(1) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to detain on board or at such other place as may be designated by an immigration officer any alien stowaway until such stowaway has been inspected by an immigration officer.

''(2) Upon inspection of an alien stowaway by an immigration officer, the Attorney General may by regulation take immediate custody of any stowaway and shall charge the owner, charterer, agent, consignee, commanding officer, or master of the vessel or aircraft on which the stowaway has arrived the costs of detaining the stowaway.

''(3) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to deport any alien stowaway on the vessel or aircraft on which such stowaway arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which such stowaway arrived when required to do so by an immigration officer.

''(4) Any person who fails to comply with paragraph (1) or (3), shall be subject to a fine of $5,000 for each alien for each failure to comply, payable to the Commissioner. The Commissioner shall deposit amounts received under this paragraph as offsetting collections to the applicable appropriations account of the Service. Pending final determination of liability for such fine, no such vessel or aircraft shall be granted clearance, except that clearance may be granted upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the Commissioner.

''(5) An alien stowaway inspected upon arrival shall be considered an excluded alien under this Act.

''(6) The provisions of section 235 for detention of aliens for examination before a special inquiry officer and the right of appeal provided for in section 236 shall not apply to aliens who arrive as stowaways, and no such aliens shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Attorney General may prescribe for the departure, removal, or deportation of such alien from the United States.

''(7) A stowaway may apply for asylum under section 208 or withholding of deportation under section 243(h), pursuant to such regulations as the Attorney General may establish.''.

SEC. 152. PILOT PROGRAM ON INTERIOR REPATRIATION AND OTHER METHODS TO DETER MULTIPLE UNLAWFUL ENTRIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, after consultation with the Secretary of State, shall establish a pilot program for up to two years which provides for methods to deter multiple unlawful entries by aliens into the United States. The pilot program may include the development and use of interior repatriation, third country repatriation, and other disincentives for multiple unlawful entries into the United States.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the operation of the pilot program under this section and whether the pilot program or any part thereof should be extended or made permanent.

SEC. 153. PILOT PROGRAM ON USE OF CLOSED MILITARY BASES FOR THE DETENTION OF EXCLUDABLE OR DEPORTABLE ALIENS.

(a) ESTABLISHMENT.—The Attorney General and the Secretary of Defense shall jointly establish a pilot program for up to two years to determine the feasibility of the use of military bases available through the defense base realignment and closure process as detention centers for the Immigration and Naturalization Service.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on National Security of the House of Representatives, and the Committee on Armed Services of the Senate, on the feasibility of using military bases closed through the defense base realignment and closure process as detention centers by the Immigration and Naturalization Service.

SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.

Section 234 (8 U.S.C. 1224) is amended to read as follows:

''PHYSICAL AND MENTAL EXAMINATIONS

''SEC. 234. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

''(1) Aliens applying for visas for admission to the United States for permanent residence.

''(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

''(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

''(4) Alien crewmen entering or in transit across the United States.

''(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

''(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

''(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

''(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

''(c) MEDICAL EXAMINERS.—

''(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.

''(B) Medical officers of the United States Public Health Service who have had specialized training in the diagnosis of insanity and

mental defects shall be detailed for duty or employed at such ports of entry as the Secretary may designate, in consultation with the Attorney General.

''(2) CIVIL SURGEONS.—(A) Whenever medical officers of the United States Public Health Service are not available to perform examinations under this section, the Attorney General, in consultation with the Secretary, shall designate civil surgeons to perform the examinations.

''(B) Each civil surgeon designated under subparagraph (A) shall—

''(i) have at least 4 years of professional experience unless the Secretary determines that special or extenuating circumstances justify the designation of an individual having a lesser amount of professional experience; and

''(ii) satisfy such other eligibility requirements as the Secretary may prescribe.

''(3) PANEL PHYSICIANS.—In the case of examinations under this section abroad, the medical examiner shall be a panel physician designated by the Secretary of State, in consultation with the Secretary.

''(d) CERTIFICATION OF MEDICAL FINDINGS.—The medical examiners shall certify for the information of immigration officers and special inquiry officers, or consular officers, as the case may be, any physical or mental defect or disease observed by such examiners in any such alien.

''(e) VACCINATION ASSESSMENT.—(1) The assessment referred to in subsection (b)(1)(B) is an assessment of the alien's record of required vaccines for preventable diseases, including mumps, measles, rubella, polio, tetanus, diphtheria toxoids, pertussis, hemophilus-influenza type B, hepatitis type B, as well as any other diseases specified as vaccine-preventable by the Advisory Committee on Immunization Practices.

''(2) Medical examiners shall educate aliens on the importance of immunizations and shall create an immunization record for the alien at the time of examination.

''(3)(A) Each alien who has not been vaccinated against measles, and each alien under the age of 5 years who has not been vaccinated against polio, must receive such vaccination, unless waived by the Secretary, and must receive any other vaccination determined necessary by the Secretary prior to arrival in the United States.

''(B) Aliens who have not received the entire series of vaccinations prescribed in paragraph (1) (other than measles) shall return to a designated civil surgeon within 30 days of arrival in the United States, or within 30 days of adjustment of status, for the remainder of the vaccinations.

''(f) APPEAL OF MEDICAL EXAMINATION FINDINGS.—Any alien determined to have a health-related grounds of exclusion under paragraph (1) of section 212(a) may appeal that determination to a board of medical officers of the Public Health Service, which shall be convened by the Secretary. The alien may introduce at least one expert medical witness before the board at his or her own cost and expense.

''(g) FUNDING.—(1)(A) The Attorney General shall impose a fee upon any person applying for adjustment of status to that of an alien lawfully admitted to permanent residence under section 209, 210, 245, or 245A, and the Secretary of State shall impose a fee upon any person applying for a visa at a United States consulate abroad who is required to have a medical examination in accordance with subsection (a).

''(B) The amounts of the fees required by subparagraph (A) shall be established by the Secretary, in consultation with the Attorney General and the Secretary of State, as the case may be, and shall be set at such amounts as may be necessary to recover the full costs of establishing and administering the civil surgeon and panel physician programs, including the costs to the Service, the Department of State, and the Department of Health and Human Services for any additional expenditures associated with the administration of the fees collected.

''(2)(A) The fees imposed under paragraph (1) may be collected as separate fees or as surcharges to any other fees that may be collected in connection with an application for adjustment of status under section 209, 210, 245, or 245A, for a visa, or for a waiver of excludability under paragraph (1) or (2) of section 212(g), as the case may be.

''(B) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28, 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected by the Secretary of State under this section.

''(3)(A) There is established on the books of the Treasury of the United States a separate account which shall be known as the 'Medical Examinations Fee Account'.

''(B) There shall be deposited as offsetting receipts into the Medical Examinations Fee Account all fees collected under paragraph (1), to remain available until expended.

''(C) Amounts in the Medical Examinations Fee Account shall be available only to reimburse any appropriation currently available for the programs established by this section.

''(h) DEFINITIONS.—As used in this section—

''(1) the term 'medical examiner' refers to a medical officer, civil surgeon, or panel physician, as described in subsection (c); and

''(2) the term 'Secretary' means the Secretary of Health and Human Services.''.

SEC. 155. CERTIFICATION REQUIREMENTS FOR FOREIGN HEALTH-CARE WORKERS.

(a) IN GENERAL.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph:

''(9) UNCERTIFIED FOREIGN HEALTH-CARE WORKERS.—(A) Any alien who seeks to enter the United States for the purpose of performing labor as a health-care worker, other than a physician, is excludable unless the alien presents to the consular officer, or, in the case of an adjustment of status, the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Attorney General in consultation with the Secretary of Health and Human Services, verifying that—

''(i) the alien's education, training, license, and experience—

''(I) meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application;

''(II) are comparable with that required for an American health-care worker of the same type; and

''(III) are authentic and, in the case of a license, unencumbered;

''(ii) the alien has the level of competence in oral and written English considered by the Secretary of Health and Human Services, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant's ability to speak and write; and

''(iii) if a majority of States licensing the profession in which the alien intends to work recognize a test predicting the success on the profession's licensing and certification examination, the alien has passed such a test.

''(B) For purposes of subparagraph (A)(ii), determination of the standardized tests required and of the minimum scores that are appropriate are within the sole discretion of the Secretary of Health and Human Services and are not subject to further administrative or judicial review.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 101(f)(3) is amended by striking ''(9)(A) of section 212(a)'' and inserting ''(10)(A) of section 212(a)''.

(2) Section 212(c) is amended by striking ''(9)(C)'' and inserting ''(10)(C)''.

SEC. 156. INCREASED BAR TO REENTRY FOR ALIENS PREVIOUSLY REMOVED.

(a) IN GENERAL.—Section 212(a)(6) (8 U.S.C. 1182(a)(6)) is amended—

(1) in subparagraph (A)—

(A) by striking ''one year'' and inserting ''five years''; and

(B) by inserting '', or within 20 years of the date of any second or subsequent deportation,'' after ''deportation'';

(2) in subparagraph (B)—

(A) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(B) by inserting after clause (i) the following new clause;

''(ii) has departed the United States while an order of deportation is outstanding,'';

(C) by striking ''or'' after ''removal,''; and

(D) by inserting ''or (c) who seeks admission within 20 years of a second or subsequent deportation or removal,'' after ''felony,''.

(b) REENTRY OF DEPORTED ALIEN.—Section 276(a)(1) (8 U.S.C. 1326(a)(1)) is amended to read as follows:

''(1) has been arrested and deported, has been excluded and deported, or has departed the United States while an order of exclusion or deportation is outstanding, and thereafter''.

SEC. 157. ELIMINATION OF CONSULATE SHOPPING FOR VISA OVERSTAYS.

(a) IN GENERAL.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

''(g)(1) In the case of an alien who has entered and remained in the United States beyond the authorized period of stay, the alien's nonimmigrant visa shall thereafter be invalid for reentry into the United States.

''(2) An alien described in paragraph (1) shall be ineligible to be readmitted to the United States as a nonimmigrant subsequent to the expiration of the alien's authorized period of stay, except—

''(A) on the basis of a visa issued in a consular office located in the country of the alien's nationality (or, if there is no office in such country, in such other consular office as the Secretary of State shall specify); or

''(B) where extraordinary circumstances are found by the Secretary of State to exist.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to visas issued before, on, or after the date of the enactment of this Act.

SEC. 158. INCITEMENT AS A BASIS FOR EXCLUSION FROM THE UNITED STATES.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), is amended—

(1) by striking ''or'' at the end of clause (i)(I);

(2) in clause (i)(II), by inserting ''or'' at the end; and

(3) by inserting after clause (i)(II) the following new subclause:

''(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorism, engaged in targeted racial vilification, or advocated the overthrow of the United States Government or death or serious bodily harm to any United

States citizen or United States Government official,''.

SEC. 159. CONFORMING AMENDMENT TO WITHHOLDING OF DEPORTATION.

Section 243(h) (8 U.S.C. 1253(h)) is amended by adding at the end the following new paragraph:

''(3) The Attorney General may refrain from deporting any alien if the Attorney General determines that—

''(A) such alien's life or freedom would be threatened, in the country to which such alien would be deported or returned, on account of race, religion, nationality, membership in a particular social group, or political opinion, and

''(B) deporting such alien would violate the 1967 United Nations Protocol relating to the Status of Refugees.''.

PART 5—CRIMINAL ALIENS

SEC. 161. AMENDED DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) in subparagraph (D), by striking ''$100,000'' and inserting ''$10,000'';

(2) in subparagraphs (F), (G), and (O), by striking ''is at least 5 years'' each place it appears and inserting ''at least one year'';

(3) in subparagraph (J)—

(A) by striking ''sentence of 5 years' imprisonment'' and inserting ''sentence of one year imprisonment''; and

(B) by striking ''offense described'' and inserting ''offense described in section 1084 of title 18 (if it is a second or subsequent offense), section 1955 of such title (relating to gambling offenses), or'';

(4) in subparagraph (K)—

(A) by striking ''or'' at the end of clause (i);

(B) by adding ''or'' at the end of clause (ii); and

(C) by adding at the end the following new clause:

''(iii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution), if committed for commercial advantage.'';

(5) in subparagraph (L)—

(A) by striking ''or'' at the end of clause (i);

(B) by inserting ''or'' at the end of clause (ii); and

(C) by adding at the end the following new clause:

''(iii) section 601 of the National Security Act of 1947 (relating to protecting the identity of undercover agents)'';

(6) in subparagraph (M), by striking ''$200,000'' each place it appears and inserting ''$10,000'';

(7) in subparagraph (N)—

(A) by striking ''of title 18, United States Code''; and

(B) by striking ''for the purpose of commercial advantage'' and inserting the following: '', except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act'';

(8) in subparagraph (O), by striking ''which constitutes'' and all that follows up to the semicolon at the end and inserting the following: '', except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act'';

(9) by redesignating subparagraphs (P) and (Q) as subparagraphs (R) and (S), respectively;

(10) by inserting after subparagraph (O) the following new subparagraphs:

''(P) any offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles whose identification numbers have been altered for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;

''(Q) any offense relating to perjury or subornation of perjury for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;'' and

(11) in subparagraph (R) (as redesignated), by striking ''15'' and inserting ''5''.

(b) EFFECTIVE DATE OF DEFINITION.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of law, the term applies regardless of whether the conviction was entered before, on, or after the date of enactment of this paragraph, except that, for purposes of section 242(f)(2), the term has the same meaning as was in effect under this paragraph on the date the offense was committed.''.

(c) APPLICATION TO WITHHOLDING OF DEPORTATION.—Section 243(h) (8 U.S.C. 1253(h)), as amended by section 159 of this Act, is further amended in paragraph (2) by striking the last sentence and inserting the following: ''For purposes of subparagraph (B), an alien shall be considered to have committed a particularly serious crime if such alien has been convicted of one or more of the following:

''(1) An aggravated felony, or attempt or conspiracy to commit an aggravated felony, for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year.

''(2) An offense described in subparagraph (A), (B), (C), (E), (H), (I), (J), (L), or subparagraph (K)(ii), of section 101(a)(43), or an attempt or conspiracy to commit an offense described in one or more of such subparagraphs.''.

SEC. 162. INELIGIBILITY OF AGGRAVATED FELONS FOR ADJUSTMENT OF STATUS.

Section 244(c) (8 U.S.C. 1254(c)), as amended by section 150 of this Act, is further amended by adding at the end the following new sentence: ''No person who has been convicted of an aggravated felony shall be eligible for relief under this subsection.''.

SEC. 163. EXPEDITIOUS DEPORTATION CREATES NO ENFORCEABLE RIGHT FOR AGGRAVATED FELONS.

Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by striking ''section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i))'' and inserting ''sections 242(i) or 242A of the Immigration and Nationality Act (8 U.S.C. 1252(i) or 1252a)''.

SEC. 164. CUSTODY OF ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended in subsection (e)(2) by inserting after ''unless'' the following: ''(A) the Attorney General determines, pursuant to section 3521 of title 18, United States Code, that release from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and that after such release the alien would not be a threat to the community, or (B)''.

(b) CUSTODY UPON RELEASE FROM INCARCERATION.—Section 242(a)(2) (8 U.S.C. 1252(a)(2)) is amended to read as follows:

''(2)(A) The Attorney General shall take into custody any specially deportable criminal alien upon release of the alien from incarceration and shall deport the alien as expeditiously as possible. Notwithstanding any other provision of law, the Attorney General shall not release such felon from custody.

''(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.''.

(c) PERIOD IN WHICH TO EFFECT ALIEN'S DEPARTURE.—Section 242(c) is amended—

(1) in the first sentence—

(A) by striking ''(c)'' and inserting ''(c)(1)''; and

(B) by inserting ''(other than an alien described in paragraph (2))''; and

(2) by adding at the end the following new paragraphs:

''(2)(A) When a final order of deportation is made against any specially deportable criminal alien, the Attorney General shall have a period of 30 days from the later of—

''(i) the date of such order, or

''(ii) the alien's release from incarceration, within which to effect the alien's departure from the United States.

''(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.

''(3) Nothing in this subsection shall be construed as providing a right enforceable by or on behalf of any alien to be released from custody or to challenge the alien's deportation.''.

(d) CRIMINAL PENALTY FOR UNLAWFUL REENTRY.—Section 242(f) of the Immigration and Nationality Act (8 U.S.C. 1252(f)) is amended—

(1) by inserting ''(1)'' immediately after ''(f)''; and

(2) by adding at the end the following new paragraph:

''(2) Any alien who has unlawfully reentered or is found in the United States after having previously been deported subsequent to a conviction for any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or two or more offenses described in clause (ii) of section 241(a)(2)(A), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), shall, in addition to the punishment provided for any other crime, be punished by imprisonment of not less than 15 years.''.

(e) DEFINITION.—Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

''(k) For purposes of this section, the term 'specially deportable criminal alien' means any alien convicted of an offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II).''.

SEC. 165. JUDICIAL DEPORTATION.

(a) IN GENERAL.—Section 242A (8 U.S.C. 1252a(d)) is amended—

(1) by redesignating subsection (d) as subsection (c); and

(2) in subsection (c), as redesignated—

(A) by striking paragraph (1) and inserting the following:

''(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien—

''(A) whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony);

''(B) who has at any time been convicted of a violation of section 276 (a) or (b) (relating to reentry of a deported alien);

''(C) who has at any time been convicted of a violation of section 275 (relating to entry

of an alien at an improper time or place and to misrepresentation and concealment of facts); or

''(D) who is otherwise deportable pursuant to any of the paragraphs (1) through (5) of section 241(a).

A United States Magistrate shall have jurisdiction to enter a judicial order of deportation at the time of sentencing where the alien has been convicted of a misdemeanor offense and the alien is deportable under this Act.''; and

(B) by adding at the end the following new paragraphs:

''(5) STATE COURT FINDING OF DEPORTABILITY.—(A) On motion of the prosecution or on the court's own motion, any State court with jurisdiction to enter judgments in criminal cases is authorized to make a finding that the defendant is deportable as a specially deportable criminal alien (as defined in section 242(k)).

''(B) The finding of deportability under subparagraph (A), when incorporated in a final judgment of conviction, shall for all purposes be conclusive on the alien and may not be reexamined by any agency or court, whether by habeas corpus or otherwise. The court shall notify the Attorney General of any finding of deportability.

''(6) STIPULATED JUDICIAL ORDER OF DEPORTATION.—The United States Attorney, with the concurrence of the Commissioner, may, pursuant to Federal Rule of Criminal Procedure 11, enter into a plea agreement which calls for the alien, who is deportable under this Act, to waive the right to notice and a hearing under this section, and stipulate to the entry of a judicial order of deportation from the United States as a condition of the plea agreement or as a condition of probation or supervised release, or both. The United States District Court, in both felony and misdemeanor cases, and the United States Magistrate Court in misdemeanors cases, may accept such a stipulation and shall have jurisdiction to enter a judicial order of deportation pursuant to the terms of such stipulation.''.

(b) CONFORMING AMENDMENTS.—(1) Section 512 of the Immigration Act of 1990 is amended by striking ''242A(d)'' and inserting ''242A(c)''.

(2) Section 130007(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) is amended by striking ''242A(d)'' and inserting ''242A(c)''.

SEC. 166. STIPULATED EXCLUSION OR DEPORTATION.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended by adding at the end the following new subsection:

''(f) The Attorney General shall provide by regulation for the entry by a special inquiry officer of an order of exclusion and deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's excludability and deportability from the United States.''.

(b) APPREHENSION AND DEPORTATION.—Section 242 (8 U.S.C. 1252) is amended in subsection (b)—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting ''(1)'' immediately after ''(b)'';

(3) by striking the sentence beginning with ''Except as provided in section 242A(d)'' and inserting the following:

''(2) The Attorney General shall further provide by regulation for the entry by a special inquiry officer of an order of deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's deportability from the United States.

''(3) The procedures prescribed in this subsection and in section 242A(c) shall be the sole and exclusive procedures for determining the deportability of an alien.''; and

(4) by redesignating the tenth sentence as paragraph (4); and

(5) by redesignating the eleventh and twelfth sentences as paragraph (5).

(c) CONFORMING AMENDMENTS.—(1) Section 106(a) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(2) Section 212(a)(6)(B)(iv) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(3) Section 242(a)(1) is amended by striking ''subsection (b)'' and inserting ''subsection (b)(1)''.

(4) Section 242A(b)(1) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(5) Section 242A(c)(2)(D)(ii), as redesignated by section 165 of this Act, is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(6) Section 4113(a) of title 18, United States Code, is amended by striking ''section 1252(b)'' and inserting ''section 1252(b)(1)''.

(7) Section 1821(e) of title 28, United States Code, is amended by striking ''section 242(b) of such Act (8 U.S.C. 1252(b))'' and inserting ''section 242(b)(1) of such Act (8 U.S.C. 1252(b)(1))''.

(8) Section 242B(c)(1) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

(9) Section 242B(e)(2)(A) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

(10) Section 242B(e)(5)(A) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

SEC. 167. DEPORTATION AS A CONDITION OF PROBATION.

Section 3563(b) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(23) be ordered deported by a United States District Court, or United States Magistrate Court, pursuant to a stipulation entered into by the defendant and the United States under section 242A(c) of the Immigration and Nationality Act (8 U.S.C. 1252a(c)), except that, in the absence of a stipulation, the United States District Court or the United States Magistrate Court, may order deportation as a condition of probation, if, after notice and hearing pursuant to section 242A(c) of the Immigration and Nationality Act, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable.''.

SEC. 168. ANNUAL REPORT ON CRIMINAL ALIENS.

Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

(2) the number of illegal aliens convicted for felonies in any Federal or State court, but not sentenced to incarceration, in the year before the report was submitted, stating the number convicted for each type of offense;

(3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to exclusion or deportation; and

(4) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 169. UNDERCOVER INVESTIGATION AUTHORITY.

(a) AUTHORITIES.—(1) In order to conduct any undercover investigative operation of the Immigration and Naturalization Service which is necessary for the detection and prosecution of crimes against the United States, the Service is authorized—

(A) to lease space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 1341), section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading ''Miscellaneous'' of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 3324), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(B) to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 9102);

(C) to deposit funds, including the proceeds from such undercover operation, in banks or other financial institutions without regard to the provisions of section 648 of title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 3302); and

(D) to use the proceeds from such undercover operations to offset necessary and reasonable expenses incurred in such operations without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 3302).

(2) The authorization set forth in paragraph (1) may be exercised only upon written certification of the Commissioner of the Immigration and Naturalization Service, in consultation with the Deputy Attorney General, that any action authorized by paragraph (1) (A), (B), (C), or (D) is necessary for the conduct of such undercover operation.

(b) UNUSED FUNDS.—As soon as practicable after the proceeds from an undercover investigative operation, carried out under paragraph (1) (C) or (D) of subsection (a), are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) REPORT.—If a corporation or business entity established or acquired as part of an undercover operation under subsection (a)(1)(B) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Immigration and Naturalization Service, as much in advance as the Commissioner or his or her designee determine practicable, shall report the circumstances to the Attorney General, the Director of the Office of Management and Budget, and the Comptroller General of the United States. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) AUDITS.—The Immigration and Naturalization Service shall conduct detailed financial audits of closed undercover operations on a quarterly basis and shall report

the results of the audits in writing to the Deputy Attorney General.

SEC. 170. PRISONER TRANSFER TREATIES.

(a) NEGOTIATIONS WITH OTHER COUNTRIES.—(1) Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of enactment of this Act, bilateral prisoner transfer treaties, providing for the incarceration, in the country of the alien's nationality, of any alien who—

(A) is a national of a country that is party to such a treaty; and

(B) has been convicted of a criminal offense under Federal or State law and who—

(i) is not in lawful immigration status in the United States, or

(ii) on the basis of conviction for a criminal offense under Federal or State law, or on any other basis, is subject to deportation under the Immigration and Nationality Act,

for the duration of the prison term to which the alien was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such alien pursuant to parole procedures of that country.

(2) In entering into negotiations under paragraph (1), the President may consider providing for appropriate compensation, subject to the availability of appropriations, in cases where the United States is able to independently verify the adequacy of the sites where aliens will be imprisoned and the length of time the alien is actually incarcerated in the foreign country under such a treaty.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the focus of negotiations for such agreements should be—

(A) to expedite the transfer of aliens unlawfully in the United States who are (or are about to be) incarcerated in United States prisons,

(B) to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts,

(C) to eliminate any requirement of prisoner consent to such a transfer, and

(D) to allow the Federal Government or the States to keep their original prison sentences in force so that transferred prisoners who return to the United States prior to the completion of their original United States sentences can be returned to custody for the balance of their prisons sentences;

(2) the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of aliens described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such aliens in the United States; and

(3) no new treaty providing for the transfer of aliens from Federal, State, or local incarceration facilities to a foreign incarceration facility should permit the alien to refuse the transfer.

(c) PRISONER CONSENT.—Notwithstanding any other provision of law, except as required by treaty, the transfer of an alien from a Federal, State, or local incarceration facility under an agreement of the type referred to in subsection (a) shall not require consent of the alien.

(d) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate stating whether each prisoner transfer treaty to which the United States is a party has been effective in the preceding 12 months in bringing about the return of deportable incarcerated aliens to the country of which they are nationals and in ensuring that they serve the balance of their sentences.

(e) TRAINING FOREIGN LAW ENFORCEMENT PERSONNEL.—(1) Subject to paragraph (2), the President shall direct the Border Patrol Academy and the Customs Service Academy to enroll for training an appropriate number of foreign law enforcement personnel, and shall make appointments of foreign law enforcement personnel to such academies, as necessary to further the following United States law enforcement goals:

(A) prevention of drug smuggling and other cross-border criminal activity;

(B) preventing illegal immigration; and

(C) preventing the illegal entry of goods into the United States (including goods the sale of which is illegal in the United States, the entry of which would cause a quota to be exceeded, or which have not paid the appropriate duty or tariff).

(2) The appointments described in paragraph (1) shall be made only to the extent there is capacity in such academies beyond what is required to train United States citizens needed in the Border Patrol and Customs Service, and only of personnel from a country with which the prisoner transfer treaty has been stated to be effective in the most recent report referred to in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 170A. PRISONER TRANSFER TREATIES STUDY.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the prisoner transfer treaties with the three countries with the greatest number of their nationals incarcerated in the United States in removing from the United States such incarcerated nationals.

(b) USE OF TREATY.—The report under subsection (a) shall include—

(1) the number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the treaties;

(2) the number of aliens described in paragraph (1) who have been transferred pursuant to the treaties;

(3) the number of aliens described in paragraph (2) who have been incarcerated in full compliance with the treaties;

(4) the number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the treaties; and

(5) the number of aliens described in paragraph (4) who are incarcerated in Federal, State, and local penal institutions in the United States.

(c) RECOMMENDATIONS.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the treaties. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address—

(1) changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed criminal offenses in the United States;

(2) changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States;

(3) changes in the treaties that may be necessary to increase the number of aliens convicted of criminal offenses who may be transferred pursuant to the treaties;

(4) methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the treaties;

(5) any recommendations by appropriate officials of the appropriate government agencies of such countries regarding programs to achieve the goals of, and ensure full compliance with, the treaties;

(6) whether the recommendations under this subsection require the renegotiation of the treaties; and

(7) the additional funds required to implement each recommendation under this subsection.

SEC. 170B. USING ALIEN FOR IMMORAL PURPOSES, FILING REQUIREMENT.

Section 2424 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph of subsection (a)—

(A) by striking ''alien'' each place it appears;

(B) by inserting after ''individual'' the first place it appears the following: '', knowing or in reckless disregard of the fact that the individual is an alien''; and

(C) by striking ''within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic'';

(2) in the second undesignated paragraph of subsection (a)—

(A) by striking ''thirty'' and inserting ''five business''; and

(B) by striking ''within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic,'';

(3) in the text following the third undesignated paragraph of subsection (a), by striking ''two'' and inserting ''10''; and

(4) in subsection (b), before the period at the end of the second sentence, by inserting '', or for enforcement of the provisions of section 274A of the Immigration and Nationality Act''.

SEC. 170C. TECHNICAL CORRECTIONS TO VIOLENT CRIME CONTROL ACT AND TECHNICAL CORRECTIONS ACT.

(a) IN GENERAL.—The second subsection (i) of section 245 (as added by section 130003(c)(1) of the Violent Crime Control and Law Enforcement Act of 1994; Public Law 103–322) is redesignated as subsection (j) of such section.

(b) CONFORMING AMENDMENT.—Section 241(a)(2)(A)(i)(I) (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by striking ''section 245(i)'' and inserting ''section 245(j)''.

(c) DENIAL OF JUDICIAL ORDER.—(1) Section 242A(c)(4), as redesignated by section 165 of this Act, is amended by striking ''without a decision on the merits''.

(2) The amendment made by this subsection shall be effective as if originally included in section 223 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

SEC. 170D. DEMONSTRATION PROJECT FOR IDENTIFICATION OF ILLEGAL ALIENS IN INCARCERATION FACILITY OF ANAHEIM, CALIFORNIA.

(a) AUTHORITY.—The Attorney General is authorized to conduct a project demonstrating the feasibility of identifying illegal

aliens among those individuals who are incarcerated in local governmental prison facilities prior to arraignment on criminal charges.

(b) DESCRIPTION OF PROJECT.—The project authorized by subsection (a) shall include the detail to the city of Anaheim, California, of an employee of the Immigration and Naturalization Service having expertise in the identification of illegal aliens for the purpose of training local officials in the identification of such aliens.

(c) TERMINATION.—The authority of this section shall cease to be effective 6 months after the date of the enactment of this Act.

(d) DEFINITION.—As used in this section, the term ''illegal alien'' means an alien in the United States who is not within any of the following classes of aliens:

(1) Aliens lawfully admitted for permanent residence.

(2) Nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act.

(3) Refugees.

(4) Asylees.

(5) Parolees.

(6) Aliens having deportation withheld under section 243(h) of the Immigration and Nationality Act.

(7) Aliens having temporary residence status.

PART 6—MISCELLANEOUS

SEC. 171. IMMIGRATION EMERGENCY PROVISIONS.

(a) REIMBURSEMENT OF FEDERAL AGENCIES FROM IMMIGRATION EMERGENCY FUND.—Section 404(b) (8 U.S.C. 1101 note) is amended—

(1) in paragraph (1)—

(A) after ''paragraph (2)'' by striking ''and'' and inserting a comma,

(B) by striking ''State'' and inserting ''other Federal agencies and States'',

(C) by inserting '', and for the costs associated with repatriation of aliens attempting to enter the United States illegally, whether apprehended within or outside the territorial sea of the United States'' before ''except'', and

(D) by adding at the end the following new sentence: ''The fund may be used for the costs of such repatriations without the requirement for a determination by the President that an immigration emergency exists.''; and

(2) in paragraph (2)(A)—

(A) by inserting ''to Federal agencies providing support to the Department of Justice or'' after ''available''; and

(B) by inserting a comma before ''whenever''.

(b) VESSEL MOVEMENT CONTROLS.—Section 1 of the Act of June 15, 1917 (50 U.S.C. 191) is amended in the first sentence by inserting ''or whenever the Attorney General determines that an actual or anticipated mass migration of aliens en route to or arriving off the coast of the United States presents urgent circumstances requiring an immediate Federal response,'' after ''United States,'' the first place it appears.

(c) DELEGATION OF IMMIGRATION ENFORCEMENT AUTHORITY.—Section 103 (8 U.S.C. 1103) is amended by adding at the end of subsection (a) the following new sentence: ''In the event the Attorney General determines that an actual or imminent mass influx of aliens arriving off the coast of the United States, or near a land border, presents urgent circumstances requiring an immediate Federal response, the Attorney General may authorize any specially designated State or local law enforcement officer, with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving, to perform or exercise any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon officers or employees of the Service.''.

SEC. 172. AUTHORITY TO DETERMINE VISA PROCESSING PROCEDURES.

Section 202(a)(1) (8 U.S.C. 1152(a)(1)) is amended—

(1) by inserting ''(A)'' after ''NONDISCRIMINATION.—''; and

(2) by adding at the end the following:

''(B) Nothing in this paragraph shall be construed to limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications or the locations where such applications will be processed.''.

SEC. 173. JOINT STUDY OF AUTOMATED DATA COLLECTION.

(a) STUDY.—The Attorney General, together with the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, and appropriate representatives of the air transport industry, shall jointly undertake a study to develop a plan for making the transition to automated data collection at ports of entry.

(b) REPORT.—Nine months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the outcome of this joint initiative, noting specific areas of agreement and disagreement, and recommending further steps to be taken, including any suggestions for legislation.

SEC. 174. AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

Not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

SEC. 175. USE OF LEGALIZATION AND SPECIAL AGRICULTURAL WORKER INFORMATION.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) is amended by striking ''except that the Attorney General'' and inserting the following: ''except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime) and''.

(b) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6)(C) (8 U.S.C. 1160(b)(6)(C)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a comma; and

(2) by adding in full measure margin after subparagraph (C) the following:

''except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).''.

SEC. 176. RESCISSION OF LAWFUL PERMANENT RESIDENT STATUS.

Section 246(a) (8 U.S.C. 1256(a)) is amended—

(1) by inserting ''(1)'' immediately after ''(a)''; and

(2) by adding at the end the following new sentence: ''Nothing in this subsection requires the Attorney General to rescind the alien's status prior to commencement of procedures to deport the alien under section 242 or 242A, and an order of deportation issued by a special inquiry officer shall be sufficient to rescind the alien's status.''.

SEC. 177. COMMUNICATION BETWEEN FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES, AND THE IMMIGRATION AND NATURALIZATION SERVICE.

Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity shall prohibit, or in any way restrict, any government entity or any official within its jurisdiction from sending to, or receiving from, the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of any person.

SEC. 178. AUTHORITY TO USE VOLUNTEERS.

(a) ACCEPTANCE OF DONATED SERVICES.—Notwithstanding any other provision of law, but subject to subsection (b), the Attorney General may accept, administer, and utilize gifts of services from any person for the purpose of providing administrative assistance to the Immigration and Naturalization Service in administering programs relating to naturalization, adjudications at ports of entry, and removal of criminal aliens. Nothing in this section requires the Attorney General to accept the services of any person.

(b) LIMITATION.—Such person may not administer or score tests and may not adjudicate.

SEC. 179. AUTHORITY TO ACQUIRE FEDERAL EQUIPMENT FOR BORDER.

In order to facilitate or improve the detection, interdiction, and reduction by the Immigration and Naturalization Service of illegal immigration into the United States, the Attorney General is authorized to acquire and utilize any Federal equipment (including, but not limited to, fixed-wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer to the Department of Justice by any other agency of the Federal Government upon request of the Attorney General.

SEC. 180. LIMITATION ON LEGALIZATION LITIGATION.

(a) LIMITATION ON COURT JURISDICTION.—Section 245A(f)(4) is amended by adding at the end the following new subparagraph:

''(C) JURISDICTION OF COURTS.—Notwithstanding any other provision of law, no court shall have jurisdiction of any cause of action or claim by or on behalf of any person asserting an interest under this section unless such person in fact filed an application under this section within the period specified by subsection (a)(1), or attempted to file a complete application and application fee with an authorized legalization officer of the Immigration and Naturalization Service but had the application and fee refused by that officer.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if originally included in section 201 of the Immigration Control and Financial Responsibility Act of 1986.

SEC. 181. LIMITATION ON ADJUSTMENT OF STATUS.

Section 245(c) (8 U.S.C. 1255(c)) is amended—

(1) by striking ''or (5)'' and inserting ''(5)''; and

(2) by inserting before the period at the end the following: ''; (6) any alien who seeks adjustment of status as an employment-based immigrant and is not in a lawful nonimmigrant status; or (7) any alien who was employed while the alien was an unauthorized alien, as defined in section 274A(h)(3), or

who has otherwise violated the terms of a nonimmigrant visa''.

SEC. 182. REPORT ON DETENTION SPACE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit a report to the Congress estimating the amount of detention space that would be required on the date of enactment of this Act, in 5 years, and in 10 years, under various policies on the detention of aliens, including but not limited to—

(1) detaining all excludable or deportable aliens who may lawfully be detained;

(2) detaining all excludable or deportable aliens who previously have been excluded, been deported, departed while an order of exclusion or deportation was outstanding, voluntarily departed under section 244, or voluntarily returned after being apprehended while violating an immigration law of the United States; and

(3) the current policy.

(b) ESTIMATE OF NUMBER OF ALIENS RELEASED INTO THE COMMUNITY.—Such report shall also estimate the number of excludable or deportable aliens who have been released into the community in each of the 3 years prior to the date of enactment of this Act under circumstances that the Attorney General believes justified detention (for example, a significant probability that the released alien would not appear, as agreed, at subsequent exclusion or deportation proceedings), but a lack of detention facilities required release.

SEC. 183. COMPENSATION OF IMMIGRATION JUDGES.

(a) COMPENSATION.—

(1) IN GENERAL.—There shall be four levels of pay for special inquiry officers of the Department of Justice (in this section referred to as ''immigration judges'') under the Immigration Judge Schedule (designated as IJ–1, IJ–2, IJ–3, and IJ–4, respectively), and each such judge shall be paid at one of those levels, in accordance with the provisions of this subsection.

(2) RATES OF PAY.—(A) The rates of basic pay for the levels established under paragraph (1) shall be as follows:

IJ–1	70 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–2	80 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–3	90 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–4	92 percent of the next to highest rate of basic pay for the Senior Executive Service.

(B) Locality pay, where applicable, shall be calculated into the basic pay for immigration judges.

(3) APPOINTMENT.—(A) Upon appointment, an immigration judge shall be paid at IJ–1, and shall be advanced to IJ–2 upon completion of 104 weeks of service, to IJ–3 upon completion of 104 weeks of service in the next lower rate, and to IJ–4 upon completion of 52 weeks of service in the next lower rate.

(B) The Attorney General may provide for appointment of an immigration judge at an advanced rate under such circumstances as the Attorney General may determine appropriate.

(4) TRANSITION.—Judges serving on the Immigration Court as of the effective date of this subsection shall be paid at the rate that corresponds to the amount of time, as provided under paragraph (3)(A), that they have served as an immigration judge.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 184. ACCEPTANCE OF STATE SERVICES TO CARRY OUT IMMIGRATION ENFORCEMENT.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following:

''(g)(1) Notwithstanding section 1342 of title 31, United States Code, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the arrest or detention of aliens in the United States, may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.

''(2) An agreement under this subsection shall require that an officer or employee of a State or political subdivision of a State performing a function under the agreement shall have knowledge of, and adhere to, Federal law relating to the function, and shall contain a written certification that the officers or employees performing the function under the agreement have received adequate training regarding the enforcement of relevant Federal immigration laws.

''(3) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State shall be subject to the direction and supervision of the Attorney General.

''(4) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State may use Federal property or facilities, as provided in a written agreement between the Attorney General and the State or subdivision.

''(5) With respect to each officer or employee of a State or political subdivision who is authorized to perform a function under this subsection, the specific powers and duties that may be, or are required to be, exercised or performed by the individual, the duration of the authority of the individual, and the position of the agency of the Attorney General who is required to supervise and direct the individual, shall be set forth in a written agreement between the Attorney General and the State or political subdivision.

''(6) The Attorney General may not accept a service under this subsection if the service will be used to displace any Federal employee.

''(7) Except as provided in paragraph (8), an officer or employee of a State or political subdivision of a State performing functions under this subsection shall not be treated as a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, (relating to compensation for injury) and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

''(8) An officer or employee of a State or political subdivision of a State acting under color of authority under this subsection, or any agreement entered into under this subsection, shall be considered to be acting under color of Federal authority for purposes of determining the liability, and immunity from suit, of the officer or employee in a civil action brought under Federal or State law.

''(9) Nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General under this subsection.

''(10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State—

''(A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States; or

''(B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.''.

SEC. 185. ALIEN WITNESS COOPERATION.

Section 214(j)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(j)(1)) (relating to numerical limitations on the number of aliens that may be provided visas as nonimmigrants under section 101(a)(15)(5)(ii) of such Act) is amended—

(1) by striking ''100'' and inserting ''200''; and

(2) by striking ''25'' and inserting ''50''.

Subtitle B—Other Control Measures

PART 1—PAROLE AUTHORITY

SEC. 191. USABLE ONLY ON A CASE-BY-CASE BASIS FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT.

Section 212(d)(5)(A) (8 U.S.C. 1182(d)(5)) is amended by striking ''for emergent reasons or for reasons deemed strictly in the public interest'' and inserting ''on a case-by-case basis for urgent humanitarian reasons or significant public benefit''.

SEC. 192. INCLUSION IN WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.

(a) IN GENERAL.—Section 201(c) (8 U.S.C. 1151(c)) is amended—

(1) by amending paragraph (1)(A)(ii) to read as follows:

''(ii) the sum of the number computed under paragraph (2) and the number computed under paragraph (4), plus''; and

(2) by adding at the end the following new paragraphs:

''(4) The number computed under this paragraph for a fiscal year is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

''(5) If any alien described in paragraph (4) is subsequently admitted as an alien lawfully admitted for permanent residence, such alien shall not again be considered for purposes of paragraph (1).''.

(b) INCLUSION OF PAROLED ALIENS.—Section 202 (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

''(f)(1) For purposes of subsection (a)(2), an immigrant visa shall be considered to have been made available in a fiscal year to any alien who is not an alien lawfully admitted for permanent residence but who was paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

''(2) If any alien described in paragraph (1) is subsequently admitted as an alien lawfully admitted for permanent residence, an immigrant visa shall not again be considered to have been made available for purposes of subsection (a)(2).''.

PART 2—ASYLUM

SEC. 193. LIMITATIONS ON ASYLUM APPLICATIONS BY ALIENS USING DOCUMENTS FRAUDULENTLY OR BY EXCLUDABLE ALIENS APPREHENDED AT SEA; USE OF SPECIAL EXCLUSION PROCEDURES.

Section 208 (8 U.S.C. 1158) is amended by striking subsection (e) and inserting the following:

''(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier for the

purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was necessary to depart from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution, and the alien traveled from such country directly to the United States.

''(2) Notwithstanding subsection (a), an alien who boards a common carrier for the purpose of coming to the United States through the presentation of any document which relates or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such document was necessary to depart from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution, and the alien traveled from such country directly to the United States.

''(3) Notwithstanding subsection (a), an alien described in section 235(d)(3) may not apply for or be granted asylum, unless the alien traveled directly from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution.

''(4) Notwithstanding paragraph (1), (2), or (3), the Attorney General may, under extraordinary circumstances, permit an alien described in any such paragraph to apply for asylum.

''(5)(A) When an immigration officer has determined that an alien has sought entry under either of the circumstances described in paragraph (1) or (2), or is an alien described in section 235(d)(3), or is otherwise an alien subject to the special exclusion procedure of section 235(e), and the alien has indicated a desire to apply for asylum or for withholding of deportation under section 243(h), the immigration officer shall refer the matter to an asylum officer.

''(B) Such asylum officer shall interview the alien, in person or by video conference, to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from—

''(i) the country of such alien's nationality or, in the case of a person having no nationality, the country in which such alien last habitually resided, and

''(ii) in the case of an alien seeking asylum who has sought entry under either of the circumstances described in paragraph (1) or (2), or who is described in section 235(d)(3), the country in which the alien was last present prior to attempting entry into the United States.

''(C) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in subparagraph (B), the alien may be specially excluded and deported in accordance with section 235(e).

''(D) The Attorney General shall provide by regulation for the prompt supervisory review of a determination under subparagraph (C) that an alien physically present in the United States does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in subparagraph (B).

''(E) The Attorney General shall provide information concerning the procedure described in this paragraph to persons who may be eligible. An alien who is eligible for such procedure pursuant to subparagraph (A) may consult with a person or persons of the alien's choosing prior to the procedure or any review thereof, in accordance with regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

''(6) An alien who has been determined under the procedure described in paragraph (5) to have a credible fear of persecution shall be taken before a special inquiry officer for a hearing in accordance with section 236.

''(7) As used in this subsection, the term 'asylum officer' means an immigration officer who—

''(A) has had professional training in country conditions, asylum law, and interview techniques; and

''(B) is supervised by an officer who meets the condition in subparagraph (A).

''(8) As used in this section, the term 'credible fear of persecution' means that—

''(A) there is a substantial likelihood that the statements made by the alien in support of the alien's claim are true; and

''(B) there is a significant possibility, in light of such statements and of country conditions, that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).''.

SEC. 194. TIME LIMITATION ON ASYLUM CLAIMS.

Section 208(a) (8 U.S.C. 1158(a)) is amended—

(1) by striking ''The'' and inserting the following: ''(1) Except as provided in paragraph (2), the''; and

(2) by adding at the end the following:

''(2)(A) An application for asylum filed for the first time during an exclusion or deportation proceeding shall not be considered if the proceeding was commenced more than one year after the alien's entry or admission into the United States.

''(B) An application for asylum may be considered, notwithstanding subparagraph (A), if the applicant shows good cause for not having filed within the specified period of time.''.

SEC. 195. LIMITATION ON WORK AUTHORIZATION FOR ASYLUM APPLICANTS.

Section 208 (8 U.S.C. 1158), as amended by this Act, is further amended by adding at the end the following new subsection:

''(f)(1) An applicant for asylum may not engage in employment in the United States unless such applicant has submitted an application for employment authorization to the Attorney General and, subject to paragraph (2), the Attorney General has granted such authorization.

''(2) The Attorney General may deny any application for, or suspend or place conditions on any grant of, authorization for any applicant for asylum to engage in employment in the United States.''.

SEC. 196. INCREASED RESOURCES FOR REDUCING ASYLUM APPLICATION BACKLOGS.

(a) PURPOSE AND PERIOD OF AUTHORIZATION.—For the purpose of reducing the number of applications pending under sections 208 and 243(h) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1253) as of the date of the enactment of this Act, the Attorney General shall have the authority described in subsections (b) and (c) for a period of two years, beginning 90 days after the date of the enactment of this Act.

(b) PROCEDURES FOR PROPERTY ACQUISITION ON LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend out of funds made available to the Department of Justice for the administration of the Immigration and Nationality Act such amounts as may be necessary for the leasing or acquisition of property to carry out the purpose described in subsection (a).

(c) USE OF FEDERAL RETIREES.—(1) In order to carry out the purpose described in subsection (a), the Attorney General may employ temporarily not more than 300 persons who, by reason of retirement on or before January 1, 1993, are receiving—

(A) annuities under the provisions of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

(B) annuities under any other retirement system for employees of the Federal Government; or

(C) retired or retainer pay as retired officers of regular components of the uniformed services.

(2) In the case of a person retired under the provisions of subchapter III of chapter 83 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) the annuity of such person may not be terminated,

(C) payment of the annuity to such person may not be discontinued, and

(D) the annuity of such person may not be recomputed, under section 8344 of such title, by reason of the temporary employment authorized in paragraph (1).

(3) In the case of a person retired under the provisions of chapter 84 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) contributions to the Civil Service Retirement and Disability Fund may not be made, and

(C) the annuity of such person may not be recomputed, under section 8468 of such title, by reason of the temporary employment authorized in paragraph (1).

(4) The retired or retainer pay of a retired officer of a regular component of a uniformed service may not be reduced under section 5532 of title 5, United States Code, by reason of temporary employment authorized in paragraph (1).

(5) The President shall apply the provisions of paragraphs (2) and (3) to persons receiving annuities described in paragraph (1)(B) in the same manner and to the same extent as such provisions apply to persons receiving annuities described in paragraph (1)(A).

PART 3—CUBAN ADJUSTMENT ACT

SEC. 197. REPEAL AND EXCEPTION.

(a) REPEAL.—Subject to subsection (b), Public Law 89–732, as amended, is hereby repealed.

(b) SAVINGS PROVISIONS.—(1) The provisions of such Act shall continue to apply on a case-by-case basis with respect to individuals paroled into the United States pursuant to the Cuban Migration Agreement of 1995.

(2) The individuals obtaining lawful permanent resident status under such provisions in a fiscal year shall be treated as if they were family-sponsored immigrants acquiring the status of aliens lawfully admitted to the United States in such fiscal year for purposes of the world-wide and per-country levels of immigration described in sections 201 and 202 of the Immigration and Nationality Act, except that any individual who previously was included in the number computed under section 201(c)(4) of the Immigration and Nationality Act, as added by section 192 of this Act, or had been counted for purposes of section 202 of the Immigration and Nationality Act, as amended by section 192 of this Act, shall not be so treated.

Subtitle C—Effective Dates

SEC. 198. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this title and subject to subsection

(b), this title, and the amendments made by this title, shall take effect on the date of the enactment of this Act.

(b) OTHER EFFECTIVE DATES.—

(1) EFFECTIVE DATES FOR PROVISIONS DEALING WITH DOCUMENT FRAUD; REGULATIONS TO IMPLEMENT.—

(A) IN GENERAL.—The amendments made by sections 131, 132, 141, and 195 shall be effective upon the date of the enactment of this Act and shall apply to aliens who arrive in or seek admission to the United States on or after such date.

(B) REGULATIONS.—Notwithstanding any other provision of law, the Attorney General may issue interim final regulations to implement the provisions of the amendments listed in subparagraph (A) at any time on or after the date of the enactment of this Act, which regulations may become effective upon publication without prior notice or opportunity for public comment.

(2) ALIEN SMUGGLING, EXCLUSION, AND DEPORTATION.—The amendments made by sections 122, 126, 128, 129, 143, and 150(b) shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

TITLE II—FINANCIAL RESPONSIBILITY

Subtitle A—Receipt of Certain Government Benefits

SEC. 201. INELIGIBILITY OF EXCLUDABLE, DEPORTABLE, AND NONIMMIGRANT ALIENS.

(a) PUBLIC ASSISTANCE AND BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an ineligible alien (as defined in subsection (f)(2)) shall not be eligible to receive—

(A) any benefits under a public assistance program (as defined in subsection (f)(3)), except—

(i) emergency medical services under title XIX of the Social Security Act,

(ii) subject to paragraph (4), prenatal and postpartum services under title XIX of the Social Security Act,

(iii) short-term emergency disaster relief,

(iv) assistance or benefits under the National School Lunch Act,

(v) assistance or benefits under the Child Nutrition Act of 1966,

(vi) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vii) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizen or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) NO REFUND OR REIMBURSEMENT.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term ''eligible alien'' means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) INELIGIBLE ALIEN.—The term ''ineligible alien'' means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term ''public assistance program'' means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term ''government benefits'' includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1251(a)(5)) is amended to read as follows:

''(5) PUBLIC CHARGE.—

''(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, or if the cause of the alien's becoming a public charge—

''(i) arose after entry (in the case of an alien who entered as an immigrant) or after adjustment to lawful permanent resident status (in the case of an alien who entered as a nonimmigrant), and

''(ii) was a physical illness, or physical injury, so serious the alien could not work at any job, or a mental disability that required continuous hospitalization.

''(C) DEFINITIONS.—

''(i) PUBLIC CHARGE PERIOD.—For purposes of subparagraph (A), the term 'public charge period' means the period beginning on the date the alien entered the United States and ending—

''(I) for an alien who entered the United States as an immigrant, 5 years after entry, or

''(II) for an alien who entered the United States as a nonimmigrant, 5 years after the alien adjusted to permanent resident status.

''(ii) PUBLIC CHARGE.—For purposes of subparagraph (A), the term 'public charge' includes any alien who receives benefits under any program described in subparagraph (D) for an aggregate period of more than 12 months.

''(D) PROGRAMS DESCRIBED.—The programs described in this subparagraph are the following:

''(i) The aid to families with dependent children program under title IV of the Social Security Act.

''(ii) The medicaid program under title XIX of the Social Security Act.

''(iii) The food stamp program under the Food Stamp Act of 1977.

''(iv) The supplemental security income program under title XVI of the Social Security Act.

''(v) Any State general assistance program.

''(vi) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) of the Immigration Reform Act of 1996.''.

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of the enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of the enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS.

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject

to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to any service or assistance described in section 201(a)(1)(A)(vii).

(e) DEEMING AUTHORITY TO STATE AND LOCAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to exceptions equivalent to the exceptions described in subsection (d), the State or local government may, for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any State or local program of assistance for which eligibility is based on need, or any need-based program of assistance administered by a State or local government (other than a program of assistance provided or funded, in whole or in part, by the Federal Government), require that the income and resources described in subsection (b) be deemed to be the income and resources of such alien.

(2) LENGTH OF DEEMING PERIOD.—Subject to exceptions equivalent to the exceptions described in subsection (d), a State or local government may impose the requirement described in paragraph (1) for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

SEC. 205. VERIFICATION OF STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

(a) REPORT REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Education and the Commissioner of Social Security shall jointly submit to the Congress a report on the computer matching program of the Department of Education under section 484(p) of the Higher Education Act of 1965.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) An assessment by the Secretary and the Commissioner of the effectiveness of the computer matching program, and a justification for such assessment.

(2) The ratio of inaccurate matches under the program to successful matches.

(3) Such other information as the Secretary and the Commissioner jointly consider appropriate.

SEC. 206. AUTHORITY OF STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) LIMITATION.—The authority provided for under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions imposed by a State or local government are not more restrictive than the prohibitions, limitations, or restrictions imposed under comparable Federal programs. For purposes of this section, attribution to an alien of a sponsor's income and resources (as described in section 204(b)) for purposes of determining eligibility for, and the amount of, benefits shall be considered less restrictive than a prohibition of eligibility for such benefits.

SEC. 207. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT CITIZENS OR LAWFUL PERMANENT RESIDENTS.

(a) IN GENERAL.—

(1) LIMITATION.—Notwithstanding any other provision of law, an individual may not receive an earned income tax credit for any year in which such individual was not, for the entire year, either a United States citizen or national or a lawful permanent resident.

(2) IDENTIFICATION NUMBER REQUIRED.—Section 32(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

''(F) IDENTIFICATION NUMBER REQUIREMENT.—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

''(i) such individual's taxpayer identification number, and

''(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse.''.

(b) SPECIAL IDENTIFICATION NUMBER.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(k) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act).''.

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) of the Internal Revenue Code of 1986 (relating to the definition of mathematical or clerical errors) is amended—

(1) by striking ''and'' at the end of subparagraph (D),

(2) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) an unintended omission of a correct taxpayer identification number required under section 32 (relating to the earned income tax credit) to be included on a return.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 208. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

''§ 506. Seals of departments or agencies

''(a) Whoever—

''(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

''(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

''(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered,

shall be fined under this title, or imprisoned not more than 5 years, or both.

''(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

''(1) so forged, counterfeited, mutilated, or altered;

''(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

''(3) with fraudulent intent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an unlawful alien's application for, or receipt of, a Federal benefit, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

''(c) For purposes of this section—

''(1) the term 'Federal benefit' means—

''(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by any agency of the United States or by appropriated funds of the United States; and

''(B) any retirement, welfare, Social Security, health (including treatment of an emergency medical condition in accordance with section 1903(v) of the Social Security Act (19 U.S.C. 1396b(v))), disability, veterans, public housing, education, food stamps, or unemployment benefit, or any similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States;

''(2) the term 'unlawful alien' means an individual who is not—

''(A) a United States citizen or national;

''(B) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act;

''(C) an alien granted asylum under section 208 of such Act;

''(D) a refugee admitted under section 207 of such Act;

''(E) an alien whose deportation has been withheld under section 243(h) of such Act; or

''(F) an alien paroled into the United States under section 215(d)(5) of such Act for a period of at least 1 year; and

''(3) each instance of forgery, counterfeiting, mutilation, or alteration shall constitute a separate offense under this section.''.

SEC. 209. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking ''and'' at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting ''; and''; and

(3) by adding after paragraph (62) the following new paragraph:

''(63) in the case of a State that is certified by the Attorney General as a high illegal immigration State (as determined by the Attorney General), at the election of the State, establish and operate a program for the placement of anti-fraud investigators in State, county, and private hospitals located in the State to verify the immigration status and income eligibility of applicants for medical assistance under the State plan prior to the furnishing of medical assistance.''.

(b) PAYMENT.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) by striking ''plus'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; plus''; and

(3) by adding at the end the following new paragraph:

''(8) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter which is attributable to operating a program under section 1902(a)(63).''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first calendar quarter beginning after the date of the enactment of this Act.

SEC. 210. COMPUTATION OF TARGETED ASSISTANCE.

Section 412(c)(2) (8 U.S.C. 1522(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) Except for the Targeted Assistance Ten Percent Discretionary Program, all grants made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not earlier than 60 months before the beginning of such fiscal year.''.

Subtitle B—Miscellaneous Provisions

SEC. 211. REIMBURSEMENT OF STATES AND LOCALITIES FOR EMERGENCY MEDICAL ASSISTANCE FOR CERTAIN ILLEGAL ALIENS.

(a) REIMBURSEMENT.—The Attorney General shall, subject to the availability of appropriations, fully reimburse the States and political subdivisions of the States for costs incurred by the States and political subdivisions for emergency ambulance service provided to any alien who—

(1) entered the United States without inspection or at any time or place other than as designated by the Attorney General;

(2) is under the custody of a State or a political subdivision of a State as a result of transfer or other action by Federal authorities; and

(3) is being treated for an injury suffered while crossing the international border between the United States and Mexico or between the United States and Canada.

(b) STATUTORY CONSTRUCTION.—Nothing in this section requires that the alien be arrested by Federal authorities before entering into the custody of the State or political subdivision.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out the provisions of this section.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed to prevent the Attorney General from seeking reimbursement from an alien described in subsection (a) for the costs of the emergency medical services provided to the alien.

SEC. 212. TREATMENT OF EXPENSES SUBJECT TO EMERGENCY MEDICAL SERVICES EXCEPTION.

(a) IN GENERAL.—Subject to such amounts as are provided in advance in appropriation Acts, each State or local government that provides emergency medical services through a public hospital, other public facility, or other facility (including a hospital that is eligible for an additional payment adjustment under section 1886(d)(5)(F) or section 1923 of the Social Security Act), or through contract with another hospital or facility, to an individual who is an alien not lawfully present in the United States, is entitled to receive payment from the Federal Government for its costs of providing such services, but only to the extent that the costs of the State or local government are not fully reimbursed through any other Federal program and cannot be recovered from the alien or other entity.

(b) CONFIRMATION OF IMMIGRATION STATUS.—No payment shall be made under this section with respect to services furnished to aliens described in subsection (a) unless the State or local government establishes that it has provided services to such aliens in accordance with procedures established by the Secretary of Health and Human Services, after consultation with the Attorney General and State and local officials.

(c) ADMINISTRATION.—This section shall be administered by the Attorney General, in consultation with the Secretary of Health and Human Services.

(d) EFFECTIVE DATE.—This section shall not apply to emergency medical services furnished before October 1, 1995.

SEC. 213. PILOT PROGRAMS.

(a) ADDITIONAL COMMUTER BORDER CROSSING FEES PILOT PROJECTS.—In addition to the land border fee pilot projects extended by the fourth proviso under the heading '' Immigration and Naturalization Service, Salaries and Expenses'' of Public Law 103–121, the Attorney General may establish another such pilot project on the northern land border and another such pilot project on the southern land border of the United States.

(b) AUTOMATED PERMIT PILOT PROJECTS.—The Attorney General and the Commissioner of Customs are authorized to conduct pilot projects to demonstrate—

(1) the feasibility of expanding port of entry hours at designated ports of entry on the United States-Canada border; or

(2) the use of designated ports of entry after working hours through the use of card reading machines or other appropriate technology.

SEC. 214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i) by striking ''academic high school, elementary school, or other academic institution or in a language training program'' and inserting in lieu thereof ''public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program''; and

(2) by inserting before the semicolon at the end of clause (ii) the following: '': *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.'';

(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

''(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement) is excludable''; and

(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable''.

This section shall become effective 1 day after the date of enactment.

SEC. 215. PILOT PROGRAM TO COLLECT INFORMATION RELATION TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (J), or (M); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(C) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney General and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a conditon of—

(A) the continued approval of the colleges and universities under section 101(a)(15)(F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting ''(a)'' after ''**SEC. 281.**''; and

(B) by adding at the end the following:

''(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.

''(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

''(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively.''

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase ''approved colleges and universities'' means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

SEC. 216. FALSE CLAIMS OF U.S. CITIZENSHIP.

(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

''(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.''

(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable''.

''SEC. 217. VOTING BY ALIENS.

(a) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Title 18, United States Code, is amended by adding the following new section:

''§ 611. Voting by aliens

''(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—

''(1) the election is held partly for some other purpose;

''(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

''(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.''

''(b) Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than one year or both'';

(b) EXCLUSION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 212(a)(8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

''(9) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is excludable.''

(c) DEPORTATION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 241(a)(8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable''.

SEC. 218 EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

''(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

''(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

''(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

''(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

''(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.''.

(b) DEFINITIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

''(47) The term 'crime of domestic violence' means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

''(48) The term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.''.

(c) This section will become effective one day after the date of enactment of the act.

Subtitle C—Effective Dates

SEC. 221. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b) or as otherwise provided in this title, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) BENEFITS.—The provisions of section 201 and 204 shall apply to benefits and to applications for benefits received on or after the date of the enactment of this Act.

SIMPSON AMENDMENT NO. 3744

Mr. DOLE (for Mr. SIMPSON) proposed an amendment to amendment No. 3744 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

In pending amendment strike all after the word ''SECTION 1.'' and insert the following:

SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the ''Immigration Control and Financial Responsibility Act of 1996''.

(b) REFERENCES IN ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title; references in Act.
Sec. 2. Table of contents.

TITLE I—IMMIGRATION CONTROL

Subtitle A—Law Enforcement

Part 1—Additional Enforcement Personnel and Facilities

Sec. 101. Border Patrol agents.
Sec. 102. Investigators.
Sec. 103. Land border inspectors.
Sec. 104. Investigators of visa overstayers.
Sec. 105. Increased personnel levels for the Labor Department.
Sec. 106. Increase in INS detention facilities.
Sec. 107. Hiring and training standards.
Sec. 108. Construction of fencing and road improvements in the border area near San Diego, California.

Part 2—Verification of Eligibility to Work and to Receive Public Assistance

SUBPART A—DEVELOPMENT OF NEW VERIFICATION SYSTEM

Sec. 111. Establishment of new system.
Sec. 112. Demonstration projects.
Sec. 113. Comptroller General monitoring and reports.
Sec. 114. General nonpreemption of existing rights and remedies.
Sec. 115. Definitions.

SUBPART B—STRENGTHENING EXISTING VERIFICATION PROCEDURES

Sec. 116. Changes in list of acceptable employment-verification documents.
Sec. 117. Treatment of certain documentary practices as unfair immigration-related employment practices.
Sec. 118. Improvements in identification-related documents.
Sec. 119. Enhanced civil penalties if labor standards violations are present.
Sec. 120. Increased number of Assistant United States Attorneys to prosecute cases of unlawful employment of aliens or document fraud.
Sec. 120A. Subpoena authority for cases of unlawful employment of aliens or document fraud.
Sec. 120B. Task force to improve public education regarding unlawful employment of aliens and unfair immigration-related employment practices.
Sec. 120C. Nationwide fingerprinting of apprehended aliens.
Sec. 120D. Application of verification procedures to State agency referrals of employment.
Sec. 120E. Retention of verification form.

Part 3—Alien Smuggling; Document Fraud

Sec. 121. Wiretap authority for investigations of alien smuggling or document fraud.
Sec. 122. Amendments to RICO relating to alien smuggling and document fraud offenses.
Sec. 123. Increased criminal penalties for alien smuggling.
Sec. 124. Admissibility of videotaped witness testimony.
Sec. 125. Expanded forfeiture for alien smuggling and document fraud.
Sec. 126. Criminal forfeiture for alien smuggling or document fraud.
Sec. 127. Increased criminal penalties for fraudulent use of government-issued documents.
Sec. 128. Criminal penalty for false statement in a document required under the immigration laws or knowingly presenting document which fails to contain reasonable basis in law or fact.
Sec. 129. New criminal penalties for failure to disclose role as preparer of false application for asylum or for preparing certain post-conviction applications.
Sec. 130. New document fraud offenses; new civil penalties for document fraud.
Sec. 131. New exclusion for document fraud or for failure to present documents.
Sec. 132. Limitation on withholding of deportation and other benefits for aliens excludable for document fraud or failing to present documents, or excludable aliens apprehended at sea.
Sec. 133. Penalties for involuntary servitude.
Sec. 134. Exclusion relating to material support to terrorists.

Part 4—Exclusion and Deportation

Sec. 141. Special exclusion procedure.
Sec. 142. Streamlining judicial review of orders of exclusion or deportation.
Sec. 143. Civil penalties for failure to depart.
Sec. 144. Conduct of proceedings by electronic means.
Sec. 145. Subpoena authority.
Sec. 146. Language of deportation notice; right to counsel.
Sec. 147. Addition of nonimmigrant visas to types of visa denied for countries refusing to accept deported aliens.
Sec. 148. Authorization of special fund for costs of deportation.
Sec. 149. Pilot program to increase efficiency in removal of detained aliens.
Sec. 150. Limitations on relief from exclusion and deportation.
Sec. 151. Alien stowaways.
Sec. 152. Pilot program on interior repatriation and other methods to multiple unlawful entries.
Sec. 153. Pilot program on use of closed military bases for the detention of excludable or deportable aliens.
Sec. 154. Requirement for immunization against vaccine-preventable diseases for aliens seeking permanent residency.
Sec. 155. Certification requirements for foreign health-care workers.
Sec. 156. Increased bar to reentry for aliens previously removed.
Sec. 157. Elimination of consulate shopping for visa overstays.
Sec. 158. Incitement as a basis for exclusion from the United States.
Sec. 159. Conforming amendment to withholding of deportation.

Part 5—Criminal Aliens

Sec. 161. Amended definition of aggravated felony.
Sec. 162. Ineligibility of aggravated felons for adjustment of status.
Sec. 163. Expeditious deportation creates no enforceable right for aggravated felons.
Sec. 164. Custody of aliens convicted of aggravated felonies.
Sec. 165. Judicial deportation.
Sec. 166. Stipulated exclusion or deportation.
Sec. 167. Deportation as a condition of probation.
Sec. 168. Annual report on criminal aliens.
Sec. 169. Undercover investigation authority.
Sec. 170. Prisoner transfer treaties.
Sec. 170A. Prisoner transfer treaties study.
Sec. 170B. Using alien for immoral purposes, filing requirement.
Sec. 170C. Technical corrections to Violent Crime Control Act and Technical Corrections Act.
Sec. 170D. Demonstration project for identification of illegal aliens in incarceration facility of Anaheim, California.

Part 6—Miscellaneous

Sec. 171. Immigration emergency provisions.
Sec. 172. Authority to determine visa processing procedures.
Sec. 173. Joint study of automated data collection.
Sec. 174. Automated entry-exit control system.
Sec. 175. Use of legalization and special agricultural worker information.
Sec. 176. Rescission of lawful permanent resident status.
Sec. 177. Communication between Federal, State, and local government agencies, and the Immigration and Naturalization Service.
Sec. 178. Authority to use volunteers.
Sec. 179. Authority to acquire Federal equipment for border.

Sec. 180. Limitation on legalization litigation.
Sec. 181. Limitation on adjustment of status.
Sec. 182. Report on detention space.
Sec. 183. Compensation of special inquiry officers.
Sec. 184. Acceptance of State services to carry out immigration enforcement.
Sec. 185. Alien witness cooperation.

Subtitle B—Other Control Measures

Part 1—Parole Authority

Sec. 191. Usable only on a case-by-case basis for humanitarian reasons or significant public benefit.
Sec. 192. Inclusion in worldwide level of family-sponsored immigrants.

Part 2—Asylum

Sec. 193. Limitations on asylum applications by aliens using documents fraudulently or by excludable aliens apprehended at sea; use of special exclusion procedures.
Sec. 194. Time limitation on asylum claims.
Sec. 195. Limitation on work authorization for asylum applicants.
Sec. 196. Increased resources for reducing asylum application backlogs.

Part 3—Cuban Adjustment Act

Sec. 197. Repeal and exception.

TITLE II—FINANCIAL RESPONSIBILITY

Subtitle A—Receipt of Certain Government Benefits

Sec. 201. Ineligibility of excludable, deportable, and nonimmigrant aliens.
Sec. 202. Definition of ''public charge'' for purposes of deportation.
Sec. 203. Requirements for sponsor's affidavit of support.
Sec. 204. Attribution of sponsor's income and resources to family-sponsored immigrants.
Sec. 205. Verification of student eligibility for postsecondary Federal student financial assistance.
Sec. 206. Authority of States and localities to limit assistance to aliens and to distinguish among classes of aliens in providing general public assistance.
Sec. 207. Earned income tax credit denied to individuals not citizens or lawful permanent residents.
Sec. 208. Increased maximum criminal penalties for forging or counterfeiting seal of a Federal department or agency to facilitate benefit fraud by an unlawful alien.
Sec. 209. State option under the medicaid program to place anti-fraud investigators in hospitals.
Sec. 210. Computation of targeted assistance.

Subtitle B—Miscellaneous Provisions

Sec. 211. Reimbursement of States and localities for emergency medical assistance for certain illegal aliens.
Sec. 212. Treatment of expenses subject to emergency medical services exception.
Sec. 213. Pilot programs.

Subtitle C—Effective Dates

Sec. 221. Effective dates.

Subtitle A—Law Enforcement

PART 1—ADDITIONAL ENFORCEMENT PERSONNEL AND FACILITIES

SEC. 101. BORDER PATROL AGENTS.

(a) BORDER PATROL AGENTS.—The Attorney General, in fiscal year 1996 shall increase by no less than 700, and in each of fiscal years 1997, 1998, 1999, and 2000, shall increase by no less than 1,000, the number of positions for full-time, active-duty Border Patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) BORDER PATROL SUPPORT PERSONNEL.—The Attorney General, in each of fiscal years 1996, 1997, 1998, 1999, and 2000, may increase by not more than 300 the number of positions for personnel in support of Border Patrol agents above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 102. INVESTIGATORS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate potential violations of sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) by a number equivalent to 300 full-time active-duty investigators in each of fiscal years 1996, 1997, and 1998.

(b) LIMITATION ON OVERTIME.—None of the funds made available to the Immigration and Naturalization Service under this section shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 for any fiscal year.

SEC. 103. LAND BORDER INSPECTORS.

In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and the Secretary of the Treasury shall increase, by approximately equal numbers in each of fiscal years 1996 and 1997, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing during peak crossing hours of all border crossing lanes currently in use, under construction, or whose construction has been authorized by Congress, except such low-use lanes as the Attorney General may designate.

SEC. 104. INVESTIGATORS OF VISA OVERSTAYERS.

There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate visa overstayers by a number equivalent to 300 full-time active-duty investigators in fiscal year 1996.

SEC. 105. INCREASED PERSONNEL LEVELS FOR THE LABOR DEPARTMENT.

(a) INVESTIGATORS.—The Secretary of Labor, in consultation with the Attorney General, is authorized to hire in the Wage and Hour Division of the Department of Labor for fiscal years 1996 and 1997 not more than 350 investigators and staff to enforce existing legal sanctions against employers who violate current Federal wage and hour laws.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in the United States in violation of law.

(c) PREFERENCE FOR BILINGUAL WAGE AND HOUR INSPECTORS.—In hiring new wage and our inspectors pursuant to this section, the Secretary of Labor shall give priority to the employment of multilingual candidates who are proficient in both English and such other language or languages as may be spoken in the region in which such inspectors are likely to be deployed.

SEC. 106. INCREASE IN INS DETENTION FACILITIES.

Subject to the availability of appropriations, the Attorney General shall provide for an increase in the detention facilities of the Immigration and Naturalization Service to at least 9,000 beds before the end of fiscal year 1997.

SEC. 107. HIRING AND TRAINING STANDARDS.

(a) REVIEW OF HIRING STANDARDS.—Within 60 days of the enactment of this title, the Attorney General shall review all prescreening and hiring standards to be utilized by the Immigration and Naturalization Service to increase personnel pursuant to this title and, where necessary, revise those standards to ensure that they are consistent with relevant standards of professionalism.

(b) CERTIFICATION.—At the conclusion of each of the fiscal years 1996, 1997, 1998, 1999, and 2000, the Attorney General shall certify in writing to the Congress that all personnel hired pursuant to this title for the previous fiscal year were hired pursuant to the appropriate standards.

(c) REVIEW OF TRAINING STANDARDS.—(1) Within 180 days of the date of the enactment of this Act, the Attorney General shall review the sufficiency of all training standards to be utilized by the Immigration and Naturalization Service in training all personnel hired pursuant to this title.

(2)(A) The Attorney General shall submit a report to the Congress on the results of the review conducted under paragraph (1), including—

(i) a description of the status of ongoing efforts to update and improve training throughout the Immigration and Naturalization Service, and

(ii) a statement of a timeframe for the completion of those efforts.

(B) In addition, the report shall disclose those areas of training that the Attorney General determines require additional or ongoing review in the future.

SEC. 108. CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

(a) IN GENERAL.—The Attorney General shall provide for the construction along the 14 miles of the international land border between the United States and Mexico, starting at the Pacific Ocean and extending eastward, of second and third fences, in addition to the existing reinforced fence, and for roads between the fences.

(b) PROMPT ACQUISITION OF NECESSARY EASEMENTS.—The Attorney General shall promptly acquire such easements as may be necessary to carry out this subsection and shall commence construction of fences immediately following such acquisition (or conclusion of portions thereof).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not to exceed $12,000,000. Amounts appropriated under this subsection are authorized to remain available until expended.

PART 2—VERIFICATION OF ELIGIBILITY TO WORK AND TO RECEIVE PUBLIC ASSISTANCE

Subpart A—Development of New Verification System

SEC. 111. ESTABLISHMENT OF NEW SYSTEM.

(a) IN GENERAL.—(1) Not later than three years after the date of enactment of this Act or, within one year after the end of the last renewed or additional demonstration project

(if any) conducted pursuant to the exception in section 112(a)(4), whichever is later, the President shall—

(A) develop and recommend to the Congress a plan for the establishment of a data system or alternative system (in this part referred to as the ''system''), subject to subsections (b) and (c), to verify eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(B) submit to the Congress a report setting forth—

(i) a description of such recommended plan;

(ii) data on and analyses of the alternatives considered in developing the plan described in subparagraph (A), including analyses of data from the demonstration projects conducted pursuant to section 112; and

(iii) data on and analysis of the system described in subparagraph (A), including estimates of—

(I) the proposed use of the system, on an industry-sector by industry-sector basis;

(II) the public assistance programs and government benefits for which use of the system is cost-effective and otherwise appropriate;

(III) the cost of the system;

(IV) the financial and administrative cost to employers;

(V) the reduction of undocumented workers in the United States labor force resulting from the system;

(VI) any unlawful discrimination caused by or facilitated by use of the system;

(VII) any privacy intrusions caused by misuse or abuse of system;

(VIII) the accuracy rate of the system; and

(IX) the overall costs and benefits that would result from implementation of the system.

(2) The plan described in paragraph (1) shall take effect on the date of enactment of a bill or joint resolution approving the plan.

(b) OBJECTIVES.—The plan described in subsection (a)(1) shall have the following objectives:

(1) To substantially reduce illegal immigration and unauthorized employment of aliens.

(2) To increase employer compliance, especially in industry sectors known to employ undocumented workers, with laws governing employment of aliens.

(3) To protect individuals from national origin or citizenship-based unlawful discrimination and from loss of privacy caused by use, misuse, or abuse of personal information.

(4) To minimize the burden on business of verification of eligibility for employment in the United States, including the cost of the system to employers.

(5) To ensure that those who are ineligible for public assistance or other government benefits are denied or terminated, and that those eligible for public assistance or other government benefits shall—

(A) be provided a reasonable opportunity to submit evidence indicating a satisfactory immigration status; and

(B) not have eligibility for public assistance or other government benefits denied, reduced, terminated, or unreasonably delayed on the basis of the individual's immigration status until such a reasonable opportunity has been provided.

(c) SYSTEM REQUIREMENTS.—(1) A verification system may not be implemented under this section unless the system meets the following requirements:

(A) The system must be capable of reliably determining with respect to an individual whether—

(i) the person with the identity claimed by the individual is authorized to work in the United States or has the immigration status being claimed; and

(ii) the individual is claiming the identity of another person.

(B) Any document (other than a document used under section 274A of the Immigration and Nationality Act) required by the system must be presented to or examined by either an employer or an administrator of public assistance or other government benefits, as the case may be, and—

(i) must be in a form that is resistant to counterfeiting and to tampering; and

(ii) must not be required by any Government entity or agency as a national identification card or to be carried or presented except—

(I) to verify eligibility for employment in the United States or immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(II) to enforce the Immigration and Nationality Act or sections 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(III) if the document was designed for another purposes (such as a license to drive a motor vehicle, a certificate of birth, or a social security account number card issued by the Administration), as required under law for such other purpose.

(C) The system must not be used for law enforcement purposes other than the purposes described in subparagraph (B).

(D) The system must ensure that information is complete, accurate, verifiable, and timely. Corrections or additions to the system records of an individual provided by the individual, the Administration, or the Service, or other relevant Federal agency, must be checked for accuracy, processed, and entered into the system within 10 business days after the agency's acquisition of the correction or additional information.

(E)(i) Any personal information obtained in connection with a demonstration project under section 112 must not be made available to Government agencies, employers, or other persons except to the extent necessary—

(I) to verify, by an individual who is authorized to conduct the employment verification process, that an employee is not an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3));

(II) to take other action required to carry out section 112;

(III) to enforce the Immigration and Nationality Act or section 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(IV) to verify the individual's immigration status for purposes of determining eligibility for Federal benefits under public assistance programs (defined in section 201(f)(3) or government benefits described in section 201(f)(4)).

(ii) In order to ensure the integrity, confidentiality, and security of system information, the system and those who use the system must maintain appropriate administrative, technical, and physical safeguards, such as—

(I) safeguards to prevent unauthorized disclosure of personal information, including passwords, cryptography, and other technologies;

(II) audit trails to monitor system use; or

(III) procedures giving an individual the right to request records containing personal information about the individual held by agencies and used in the system, for the purpose of examination, copying, correction, or amendment, and a method that ensures notice to individuals of these procedures.

(F) A verification that a person is eligible for employment in the United States may not be withheld or revoked under the system for any reasons other than a determination pursuant to section 274A of the Immigration and Nationality Act.

(G) The system must be capable of accurately verifying electronically within 5 business days, whether a person has the required immigration status in the United States and is legally authorized for employment in the United States in a substantial percentage of cases (with the objective of not less than 99 percent).

(H) There must be reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

(i) the selective or unauthorized use of the system to verify eligibility;

(ii) the use of the system prior to an offer of employment;

(iii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants; or

(iv) denial reduction, termination, or unreasonable delay of public assistance to an individual as a result of the perceived likelihood that such additional verification will be required.

(2) As used in this subsection, the term ''business day'' means any day other than Saturday, Sunday, or any day on which the appropriate Federal agency is closed.

(d) REMEDIES AND PENALTIES FOR UNLAWFUL DISCLOSURE.—

(1) CIVIL REMEDIES.—

(A) RIGHT OF INFORMATIONAL PRIVACY.—The Congress declares that any person who provides to an employer the information required by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) has a privacy expectation that the information will only be used for compliance with this Act or other applicable Federal, State, or local law.

(B) CIVIL ACTIONS.—A employer, or other person or entity, who knowingly and willfully discloses the information that an employee is required to provide by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be liable to the employee for actual damages. An action may be brought in any Federal, State, or local court having jurisdiction over the matter.

(2) CRIMINAL PENALTIES.—Any employer, or other person or entity, who willfully and knowingly obtains, uses, or discloses information required pursuant to this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be found guilty of a misdemeanor and fined not more than $5,000.

(3) PRIVACY ACT.—

(A) IN GENERAL.—Any person who is a United States citizen, United States national, lawful permanent resident, or other employment-authorized alien, and who is subject to verification of work authorization or lawful presence in the United States for purposes of benefits eligibility under this section or section 112, shall be considered an individual under section 552(a)(2) of title 5, United States Code, with respect to records covered by this section.

(B) DEFINITION.—For purposes of this paragraph, the term ''record'' means an item,

collection, or grouping of information about an individual which—

(i) is created, maintained, or used by a Federal agency for the purpose of determining—

(I) the individual's authorization to work; or

(II) immigration status in the United States for purposes of eligibility to receive Federal, State or local benefits in the United States; and

(ii) contains the individuals's name or identifying number, symbol, or any other identifier assigned to the individual.

(e) EMPLOYER SAFEGUARDS.—An employer shall not be liable for any penalty under section 274A of the Immigration and Nationality Act for employing an unauthorized alien, if—

(1) the alien appeared throughout the term of employment to be prima facie eligible for the employment under the requirements of section 274A(b) of such Act;

(2) the employer followed all procedures required in the system; and

(3)(A) the alien was verified under the system as eligible for the employment; or

(B) the employer discharged the alien within a reasonable period after receiving notice that the final verification procedure had failed to verify that the alien was eligible for the employment.

(f) RESTRICTION ON USE OF DOCUMENTS.—If the Attorney General determines that any document described in section 274A(b)(1) of the Immigration and Nationality Act as establishing employment authorization or identity does not reliably establish such authorization or identity or, to an unacceptable degree, is being used fraudulently or is being requested for purposes not authorized by this Act, the Attorney General may, by regulation, prohibit or place conditions on the use of the document for purposes of the system or the verification system established in section 274A(b) of the Immigration and Nationality Act.

(g) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE VERIFICATION SYSTEM.—No person shall be civilly or criminally liable under section 274A of the Immigration and Nationality Act for any action adverse to an individual if such action was taken in good faith reliance on information relating to such individual provided through the system (including any demonstration project conducted under section 112).

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 112. DEMONSTRATION PROJECTS.

(a) AUTHORITY.—

(1) IN GENERAL.—(A)(i) Subject to clause (ii), the President, acting through the Attorney General, shall begin conducting several local and regional projects, and a project in the legislative branch of the Federal Government, to demonstrate the feasibility of alternative systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) and government benefits described in section 201(f)(4)).

(ii) Each project under this section shall be consistent with the objectives of section 111(b) and this section and shall be conducted in accordance with an agreement entered into with the State, locality, employer, other entity, or the legislative branch of the Federal Government, as the case may be.

(iii) In determining which State(s), localities, employers, or other entities shall be designated for such projects, the Attorney General shall take into account the estimated number of excludable aliens and deportable aliens in each State or locality.

(B) For purposes of this paragraph, the term ''legislative branch of the Federal Government'' includes all offices described in section 101(9) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)) and all agencies of the legislative branch of Government.

(2) DESCRIPTION OF PROJECTS.—Demonstration projects conducted under this subsection may include, but are not limited to—

(A) a system which allows employers to verify the eligibility for employment of new employees using Administration records and, if necessary, to conduct a cross-check using Service records;

(B) a simulated linkage of the electronic records of the Service and the Administration to test the technical feasibility of establishing a linkage between the actual electronic records of the Service and the Administration;

(C) improvements and additions to the electronic records of the Service and the Administration for the purpose of using such records for verification of employment eligibility;

(D) a system which allows employers to verify the continued eligibility for employment of employees with temporary work authorization;

(E) a system that requires employers to verify the validity of employee social security account numbers through a telephone call, and to verify employee identity through a United States passport, a State driver's license or identification document, or a document issued by the Service for purposes of this clause;

(F) a system which is based on State-issued driver's licenses and identification cards that include a machine readable social security account number and are resistant to tampering and counterfeiting; and

(G) a system that requires employers to verify with the Service the immigration status of every employee except one who has attested that he or she is a United States citizen or national.

(3) COMMENCEMENT DATE.—The first demonstration project under this section shall commence not later than six months after the date of the enactment of this Act.

(4) TERMINATION DATE.—The authority of paragraph (1) shall cease to be effective four years after the date of enactment of this Act, except that, if the President determines that any one or more of the projects conducted pursuant to paragraph (2) should be renewed, or one or more additional projects should be conducted before a plan is recommended under section 111(a)(1)(A), the President may conduct such project or projects for up to an additional three-year period, without regard to section 274A(d)(4)(A) of the Immigration and Nationality Act.

(b) OBJECTIVES.—The objectives of the demonstration projects conducted under this section are—

(1) to assist the Attorney General in measuring the benefits and costs of systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs defined in section 201(f)(3) and for government benefits described in section 201(f)(4);

(2) to assist the Service and the Administration in determining the accuracy of Service and Administration data that may be used in such systems; and

(3) to provide the Attorney General with information necessary to make determinations regarding the likely effects of the tested systems on employers, employees, and other individuals, including information on—

(A) losses of employment to individuals as a result of inaccurate information in the system;

(B) unlawful discrimination;

(C) privacy violations;

(D) cost to individual employers, including the cost per employee and the total cost as a percentage of the employers payroll; and

(E) timeliness of initial and final verification determinations.

(c) CONGRESSIONAL CONSULTATION.—(1) Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General or the Attorney General's representatives shall consult with the Committees on the Judiciary of the House of Representatives and the Senate regarding the demonstration projects being conducted under this section.

(2) The Attorney General or her representative, in fulfilling the obligations described in paragraph (1), shall submit to the Congress the estimated cost to employers of each demonstration project, including the system's indirect and administrative costs to employers.

(d) IMPLEMENTATION.—In carrying out the projects described in subsection (a), the Attorney General shall—

(1) support and, to the extent possible, facilitate the efforts of Federal and State government agencies in developing—

(A) tamper- and counterfeit-resistant documents that may be used in a new verification system, including drivers' licenses or similar documents issued by a State for the purpose of identification, the social security account number card issued by the Administration, and certificates of birth in the United States or establishing United States nationality at birth; and

(B) recordkeeping systems that would reduce the fraudulent obtaining of such documents, including a nationwide system to match birth and death records;

(2) require appropriate notice to prospective employees concerning employers' participation in a demonstration project, which notice shall contain information on filing complaints regarding misuse of information or unlawful discrimination by employers participating in the demonstration; and

(3) require employers to establish procedures developed by the Attorney General—

(A) to safeguard all personal information from unauthorized disclosure and to condition release of such information to any person or entity upon the person's or entity's agreement to safeguard such information; and

(B) to provide notice to all new employees and applicants for employment of the right to request an agency to review, correct, or amend the employee's or applicant's record and the steps to follow to make such a request.

(e) REPORT OF ATTORNEY GENERAL.—Not later than 60 days before the expiration of the authority for subsection (a)(1), the Attorney General shall submit to the Congress a report containing an evaluation of each of the demonstration projects conducted under this section, including the findings made by the Comptroller General under section 113.

(f) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—Demonstration projects conducted under this section shall substantially meet the criteria in section 111(c)(1), except that with respect to the criteria in subparagraphs (D) and (G) of section 111(c)(1), such projects are required only to be likely to substantially meet the criteria, as determined by the Attorney General.

(2) SUPERSEDING EFFECT.—If the Attorney General determines that any demonstration project conducted under this section substantially meets the criteria in section

111(c)(1), other than the criteria in subparagraphs (D) and (G) of that section, and meets the criteria in such subparagraphs (D) and (G) to a sufficient degree, the requirements for participants in such project shall apply during the remaining period of its operation in lieu of the procedures required under section 274A(b) of the Immigration and Nationality Act. Section 274B of such Act shall remain fully applicable to the participants in the project.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 113. COMPTROLLER GENERAL MONITORING AND REPORTS.

(a) IN GENERAL.—The Comptroller General of the United States shall track, monitor, and evaluate the compliance of each demonstration project with the objectives of sections 111 and 112, and shall verify the results of the demonstration projects.

(b) RESPONSIBILITIES.—

(1) COLLECTION OF INFORMATION.—The Comptroller General of the United States shall collect and consider information on each requirement described in section 111(a)(1)(C).

(2) TRACKING AND RECORDING OF PRACTICES.—The Comptroller General shall track and record unlawful discriminatory employment practices, if any, resulting from the use or disclosure of information pursuant to a demonstration project or implementation of the system, using such methods as—

(A) the collection and analysis of data;

(B) the use of hiring audits; and

(C) use of computer audits, including the comparison of such audits with hiring records.

(3) MAINTENANCE OF DATA.—The Comptroller General shall also maintain data on unlawful discriminatory practices occurring among a representative sample of employers who are not participants in any project under this section to serve as a baseline for comparison with similar data obtained from employers who are participants in projects under this section.

(c) REPORTS.—

(1) DEMONSTRATION PROJECTS.—Beginning 12 months after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate setting forth evaluations of—

(A) the extent to which each demonstration project is meeting each of the requirements of section 111(c); and

(B) the Comptroller General's preliminary findings made under this section.

(2) VERIFICATION SYSTEM.—Not later than 60 days after the submission to the Congress of the plan under section 111(a)(2), the Comptroller General of the United States shall submit a report to the Congress setting forth an evaluation of—

(A) the extent to which the proposed system, if any, meets each of the requirements of section 111(c); and

(B) the Comptroller General's findings made under this section.

SEC. 114. GENERAL NONPREEMPTION OF EXISTING RIGHTS AND REMEDIES.

Nothing in this subpart may be construed to deny, impair, or otherwise adversely affect any right or remedy available under Federal, State, or local law to any person on or after the date of the enactment of this Act except to the extent the right or remedy is inconsistent with any provision of this part.

SEC. 115. DEFINITIONS.

For purposes of this subpart—

(1) ADMINISTRATION.— The term ''Administration'' means the Social Security Administration.

(2) EMPLOYMENT AUTHORIZED ALIEN.—The term ''employment authorized alien'' means an alien who has been provided with an ''employment authorized'' endorsement by the Attorney General or other appropriate work permit in accordance with the Immigration and Nationality Act.

(3) SERVICE.—The term ''Service'' means the Immigration and Naturalization Service.

Subpart B—Strengthening Existing Verification Procedures

SEC. 116. CHANGES IN LIST OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.

(a) AUTHORITY TO REQUIRE SOCIAL SECURITY ACCOUNT NUMBERS.—Section 274A (8 U.S.C. 1324a) is amended by adding at the end of subsection (b)(2) the following new sentence: ''The Attorney General is authorized to require an individual to provide on the form described in paragraph (1)(A) the individual's social security account number for purposes of complying with this section.''.

(b) CHANGES IN ACCEPTABLE DOCUMENTATION FOR EMPLOYMENT AUTHORIZATION AND IDENTITY.—

(1) REDUCTION IN NUMBER OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.—Section 274A(b)(1) (8 U.S.C. 1324a(b)(1)) is amended—

(A) in subparagraph (B)—

(i) by striking clauses (ii), (iii), and (iv);

(ii) by redesignating clause (v) as clause (ii);

(iii) in clause (i), by adding at the end ''or'';

(iv) in clause (ii) (as redesignated), by amending the text preceding subclause (I) to read as follows:

''(ii) resident alien card, alien registration card, or other document designated by regulation by the Attorney General, if the document—''; and

(v) in clause (ii) (as redesignated)—

(I) by striking ''and'' at the end of subclause (I);

(II) by striking the period at the end of subclause (II) and inserting '', and''; and

(III) by adding at the end the following new subclause:

''(III) contains appropriate security features.''; and

(B) in subparagraph (C)—

(i) by inserting ''or'' after the ''semicolon'' at the end of clause (i);

(ii) by striking clause (ii); and

(iii) by redesignating clause (iii) as clause (ii).

(2) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Attorney General finds, by regulation, that any document described in section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Attorney General may prohibit or place conditions on its use for purposes of the verification system established in section 274A(b) of the Immigration and Nationality Act under section 111 of this Act.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b)(1) shall apply with respect to hiring (or recruiting or referring) occurring on or after such date as the Attorney General shall designate (but not later than 180 days after the date of the enactment of this Act).

SEC. 117. TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

Section 274B(a)(6) (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking ''For purposes of paragraph (1), a'' and inserting ''A''; and

(2) by striking ''relating to the hiring of individuals'' and inserting the following: ''if made for the purpose or with the intent of discriminating against an individual in violation of paragraph (1)''.

SEC. 118. IMPROVEMENTS IN IDENTIFICATION-RELATED DOCUMENTS.

(a) BIRTH CERTIFICATES.—

(1) LIMITATION ON ACCEPTANCE.—(A) No Federal agency, including but not limited to the Social Security Administration and the Department of State, and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in paragraph (5), unless it is issued by a State or local government registrar and it conforms to standards described in subparagraph (B).

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Secretary of Health and Human Services, after consultation with the Association for Public Health Statistics and Information Systems (APHSIS), and shall include but not be limited to—

(i) certification by the agency issuing the birth certificate, and

(ii) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and use by impostors.

(2) LIMITATION ON ISSUANCE.—(A) If one or more of the conditions described in subparagraph (B) is present, no State or local government agency may issue an official copy of a birth certificate pertaining to an individual unless the copy prominently notes that such individual is deceased.

(B) The conditions described in this subparagraph include—

(i) the presence on the original birth certificate of a notation that the individual is deceased, or

(ii) actual knowledge by the issuing agency that the individual is deceased obtained through information provided by the Social Security Administration, by an interstate system of birth-death matching, or otherwise.

(3) GRANTS TO STATES.—(A)(i) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States to encourage them to develop the capability to match birth and death records, within each State and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, States shall focus first on persons who were born after 1950.

(ii) Such grants shall be provided in proportion to population and in an amount needed to provide a substantial incentive for the States to develop such capability.

(B) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States for a project in each of 5 States to demonstrate the feasibility of a system by which each such State's office of vital statistics would be provided, within 24 hours, sufficient information to establish the fact of death of every individual dying in such State.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary

to provide the grants described in subparagraphs (A) and (B).

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(5) CERTIFICATE OF BIRTH.—As used in this section, the term ''birth certificate'' means a certificate of birth registered in the United States.

(6) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1997.

(b) STATE-ISSUED DRIVERS LICENSES.—

(1) SOCIAL SECURITY ACCOUNT NUMBER.—Each State-issued driver's license and identification document shall contain a social security account number, except that this paragraph shall not apply if the document is issued by a State that requires, pursuant to a statute enacted prior to the date of enactment of this Act, or pursuant to a regulation issued thereunder or an administrative policy, that—

(A) every applicant for such license or document submit the number, and

(B) an agency of such State verify with the Social Security Administration that the number is valid and is not a number assigned for use by persons without authority to work in the United States.

(2) APPLICATION PROCESS.—The application process for a State driver's license or identification document shall include the presentation of such evidence of identity as is required by regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators.

(3) FORM OF LICENSE AND IDENTIFICATION DOCUMENT.—Each State driver's license and identification document shall be in a form consistent with requirements set forth in regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators. Such form shall contain security features designed to limit tampering, counterfeiting, and use by impostors.

(4) LIMITATION ON ACCEPTANCE OF LICENSE AND IDENTIFICATION DOCUMENT.—Neither the Social Security Administration or the Passport Office or any other Federal agency or any State or local government agency may accept for any evidentiary purpose a State driver's license or identification document in a form other than the form described in paragraph (3).

(5) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1997.

SEC. 119. ENHANCED CIVIL PENALTIES IF LABOR STANDARDS VIOLATIONS ARE PRESENT.

(a) IN GENERAL.—Section 274A(e) (8 U.S.C. 1324a(e)) is amended by adding at the end the following:

''(10)(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the amount of the penalty prescribed by this subsection in any case in which the employer has been found to have committed a willful violation or repeated violations of any of the following statutes:

''(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 120. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS TO PROSECUTE CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional Assistant United States Attorneys as may be necessary for the prosecution of actions brought under sections 274A and 274C of the Immigration and Nationality Act and sections 911, 1001, 1015 through 1018, 1028, 1030, 1541 through 1544, 1546, and 1621 of title 18, United States Code. Each such additional attorney shall be used primarily for such prosecutions.

SEC. 120A. SUBPOENA AUTHORITY FOR CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

(a) IMMIGRATION OFFICER AUTHORITY.—

(1) UNLAWFUL EMPLOYMENT.—Section 274A(e)(2) (8 U.S.C. 1324a(e)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting '', and''; and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).''.

(2) DOCUMENT FRAUD.—Section 274C(d)(1) (8 U.S.C. 1324c(d)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting '', and''; and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).''.

(b) SECRETARY OF LABOR SUBPOENA AUTHORITY.—

(1) IN GENERAL.—Chapter 9 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

''SECRETARY OF LABOR SUBPOENA AUTHORITY

''SEC. 294. The Secretary of Labor may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing conducted in the enforcement of any immigration program for which the Secretary of Labor has been delegated enforcement authority under the Act. In such hearing, the Secretary of Labor may administer oaths, examine witnesses, and receive evidence. For the purpose of any such hearing or investigation, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary of Labor.''.

(2) CONFORMING AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 293 the following new item:

''Sec. 294. Secretary of Labor subpoena authority.''.

SEC. 120B. TASK FORCE TO IMPROVE PUBLIC EDUCATION REGARDING UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) ESTABLISHMENT.—The Attorney General shall establish a task force within the Department of Justice charged with the responsibility of—

(1) providing advice and guidance to employers and employees relating to unlawful employment of aliens under section 274A of the Immigration and Nationality Act and unfair immigration-related employment practices under 274B of such Act; and

(2) assisting employers in complying with those laws.

(b) COMPOSITION.—The members of the task force shall be designated by the Attorney General from among officers or employees of the Immigration and Naturalization Service or other components of the Department of Justice.

(c) ANNUAL REPORT.—The task force shall report annually to the Attorney General on its operations.

SEC. 120C. NATIONWIDE FINGERPRINTING OF APPREHENDED ALIENS.

There are authorized to be appropriated such additional sums as may be necessary to ensure that the program ''IDENT'', operated by the Immigration and Naturalization Service pursuant to section 130007 of Public Law 103–322, shall be expanded into a nationwide program.

SEC. 120D. APPLICATION OF VERIFICATION PROCEDURES TO STATE AGENCY REFERRALS OF EMPLOYMENT.

Section 274A(a) (8 U.S.C. 1324a(a)) is amended by adding at the end the following new paragraph:

''(6) STATE AGENCY REFERRALS.—A State employment agency that refers any individual for employment shall comply with the procedures specified in subsection (b). For purposes of the attestation requirement in subsection (b)(1), the agency employee who is primarily involved in the referral of the individual shall make the attestation on behalf of the agency.''.

SEC. 120E. RETENTION OF VERIFICATION FORM.

Section 274A(b)(3) (8 U.S.C. 1324a(b)(3)) is amended by inserting after ''must retain the form'' the following: ''(except in any case of disaster, act of God, or other event beyond the control of the person or entity)''.

PART 3—ALIEN SMUGGLING; DOCUMENT FRAUD

SEC. 121. WIRETAP AUTHORITY FOR INVESTIGATIONS OF ALIEN SMUGGLING OR DOCUMENT FRAUD.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c), by striking ''or section 1992 (relating to wrecking trains)'' and inserting ''section 1992 (relating to wrecking trains), a felony violation of section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), section 1544 (relating to misuse of passports), or section 1546 (relating to fraud and misuse of visas, permits, and other documents)'';

(2) by striking ''or'' at the end of paragraph (*l*);

(3) by redesignating paragraphs (m), (n), and (*o*) as paragraphs (n), (*o*), and (p), respectively; and

(4) by inserting after paragraph (*l*) the following new paragraph:

''(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, or 1328) (relating to the smuggling of aliens);''.

SEC. 122. ADDITIONAL COVERAGE IN RICO FOR OFFENSES RELATING TO ALIEN SMUGGLING AND DOCUMENT FRAUD.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking ''or'' after ''law of the United States,'';

(2) by inserting ''or'' at the end of clause (E); and

(3) by adding at the end the following: ''(F) any act, or conspiracy to commit any act, in violation of—

''(i) section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), or section 1544 (relating to misuse of passports) of this title, or, for personal financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title; or

''(ii) section 274, 277, or 278 of the Immigration and Nationality Act.''.

SEC. 123. INCREASED CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

(a) IN GENERAL.—Section 274(a) (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''or'' at the end of clause (iii);

(B) by striking the comma at the end of clause (iv) and inserting ''; or''; and

(C) by adding at the end the following new clause:

''(v)(I) engages in any conspiracy to commit any of the preceding acts, or

''(II) aids or abets the commission of any of the preceding acts,'';

(2) in paragraph (1)(B)—

(A) in clause (i), by inserting ''or (v)(I)'' after ''(A)(i)'';

(B) in clause (ii), by striking ''or (iv)'' and inserting ''(iv), or (v)(II)'';

(C) in clause (iii), by striking ''or (iv)'' and inserting ''(iv), or (v)''; and

(D) in clause (iv), by striking ''or (iv)'' and inserting ''(iv), or (v)'';

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved'' and inserting ''for each alien in respect to whom a violation of this paragraph occurs''; and

(B) in the matter following subparagraph (B)(iii), by striking ''be fined'' and all that follows through the period and inserting the following: ''be fined under title 18, United States Code, and shall be imprisoned for a first or second offense, not more than 10 years, and for a third or subsequent offense, not more than 15 years.''; and

(4) by adding at the end the following new paragraph:

''(3) Any person who hires for employment an alien—

''(A) knowing that such alien is an unauthorized alien (as defined in section 274A(h)(3)), and

''(B) knowing that such alien has been brought into the United States in violation of this subsection,

shall be fined under title 18, United States Code, and shall be imprisoned for not more than 5 years.''.

(b) SMUGGLING OF ALIENS WHO WILL COMMIT CRIMES.—Section 274(a)(2)(B) (8 U.S.C. 1324(a)(2)) is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

''(iii) an offense committed with the intent, or with substantial reason to believe, that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year; or''.

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of offenses related to smuggling, transporting, harboring, or inducing aliens in violation of section 274(a)(1)(A) or (2)(B) of the Immigration and Nationality Act (8 U.S.C. 1324(a) (1)(A), (2)(B)) in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses described in paragraph (1)—

(A) increase the base offense level for such offenses at least 3 offense levels above the applicable level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for the number of aliens involved (U.S.S.G. 2L1.1(b)(2)), and increase the sentencing enhancement by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) impose an appropriate sentencing enhancement on a defendant who, in the course of committing an offense described in this subsection—

(i) murders or otherwise causes death, bodily injury, or serious bodily injury to an individual;

(ii) uses or brandishes a firearm or other dangerous weapon; or

(iii) engages in conduct that consciously or recklessly places another in serious danger of death or serious bodily injury;

(F) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 aliens or the defendant committed the offense other than for profit; and

(G) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 124. ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.

Section 274 (8 U.S.C. 1324) is amended by adding at the end thereof the following new subsection:

''(d) Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence.''.

SEC. 125. EXPANDED FORFEITURE FOR ALIEN SMUGGLING AND DOCUMENT FRAUD.

(a) IN GENERAL.—Section 274(b) (8 U.S.C. 1324(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) Any property, real or personal, which facilitates or is intended to facilitate, or has been or is being used in or is intended to be used in the commission of, a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or which constitutes, or is derived from or traceable to, the proceeds obtained directly or indirectly from a commission of a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall be subject to seizure and forfeiture, except that—

''(A) no property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the unlawful act;

''(B) no property shall be forfeited under this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of, or in conspiracy to violate, the criminal laws of the United States or of any State; and

''(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by such owner to have been committed or omitted without the knowledge or consent of such owner, unless such act or omission was committed by an employee or agent of such owner, and facilitated or was intended to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or was intended to further the business interests of the owner, or to confer any other benefit upon the owner.'';

(2) in paragraph (2)—

(A) by striking ''conveyance'' both places it appears and inserting ''property''; and

(B) by striking ''is being used in'' and inserting ''is being used in, is facilitating, has facilitated, or was intended to facilitate'';

(3) in paragraph (3)—

(A) by inserting ''(A)'' immediately after ''(3)'', and

(B) by adding at the end the following:

''(B) Before the seizure of any real property pursuant to this section, the Attorney General shall provide notice and an opportunity

to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this subparagraph.'';

(4) in paragraphs (4) and (5), by striking ''a conveyance'' and ''conveyance'' each place such phrase or word appears and inserting ''property''; and

(5) in paragraph (4)—

(A) by striking ''or'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 126. CRIMINAL FORFEITURE FOR ALIEN SMUGGLING, UNLAWFUL EMPLOYMENT OF ALIENS, OR DOCUMENT FRAUD.

Section 274 (8 U.S.C. 1324(b)) is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following:

''(c) CRIMINAL FORFEITURE.—(1) Any person convicted of a violation of, or a conspiracy to violate, subsection (a) or section 274A(a)(1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall forfeit to the United States, regardless of any provision of State law—

''(A) any conveyance, including any vessel, vehicle, or aircraft used in the commission of a violation of, or a conspiracy to violate, subsection (a); and

''(B) any property real or personal—

''(i) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a)(1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code; or

''(ii) that is used to facilitate, or is intended to be used to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a)(1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code.

The court, in imposing sentence on such person, shall order that the person forfeit to the United States all property described in this subsection.

''(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsections (a) and (d) of such section 413.''.

SEC. 127. INCREASED CRIMINAL PENALTIES FOR FRAUDULENT USE OF GOVERNMENT-ISSUED DOCUMENTS.

(a) PENALTIES FOR FRAUD AND MISUSE OF GOVERNMENT-ISSUED IDENTIFICATION DOCUMENTS.—(1) Section 1028(b) of title 18, United States Code, is amended to read as follows:

''(b)(1)(A) An offense under subsection (a) that is—

''(i) the production or transfer of an identification document or false identification document that is or appears to be—

''(I) an identification document issued by or under the authority of the United States; or

''(II) a birth certificate, or a driver's license or personal identification card;

''(ii) the production or transfer of more than five identification documents or false identification documents; or

''(iii) an offense under paragraph (5) of such subsection (a);

shall be punishable under subparagraph (B).

''(B) Except as provided in paragraph (4), a person who violates an offense described in subparagraph (A) shall be punishable by—

''(i) a fine under this title, imprisonment for not more than 10 years, or both, for a first or second offense; or

''(ii) a fine under this title, imprisonment for not more than 15 years, or both, for a third or subsequent offense.

''(2) A person convicted of an offense under subsection (a) that is—

''(A) any other production or transfer of an identification document or false identification document; or

''(B) an offense under paragraph (3) of such subsection;

shall be punishable by a fine under this title, imprisonment for not more than three years, or both.

''(3) A person convicted of an offense under subsection (a), other than an offense described in paragraph (1) or (2), shall be punishable by a fine under this title, imprisonment for not more than one year, or both.

''(4) Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense described in paragraph (1)(A) shall be—

''(A) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), 15 years; and

''(B) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), 20 years.''.

(2) Sections 1541 through 1544 of title 18, United States Code, are amended by striking be fined under this title, imprisoned not more than 10 years, or both.'' each place it appears and inserting the following:

'', except as otherwise provided in this section, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(3) Section 1546(a) of title 18, United States Code, is amended by striking ''be fined under this title, imprisoned not more than 10 years, or both.'' and inserting the following:

'', except as otherwise provided in this subsection, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this subsection, the maximum term of imprisonment that may be imposed for an offense under this subsection—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(4) Sections 1425 through 1427 of title 18, United States Code, are amended by striking ''be fined not more than $5,000 or imprisoned not more than five years, or both'' each place it appears and inserting '', except as otherwise provided in this section, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(b) CHANGES TO THE SENTENCING LEVELS.—

(1) IN GENERAL.—Pursuant to the Commission's authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of violating, or conspiring to violate, sections 1028(b)(1), 1425 through 1427, 1541 through 1544, and 1546(a) of title 18, United States Code, in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses referred to in paragraph (1)—

(A) increase the base offense level for such offenses at least 2 offense levels above the level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for number of documents or passports involved (U.S.S.G. 2L2.1(b)(2)), and increase the upward adjustment by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 documents, or the defendant committed the offense other than for profit and the offense was not committed to facilitate an act of international terrorism; and

(F) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 128. CRIMINAL PENALTY FOR FALSE STATEMENT IN A DOCUMENT REQUIRED UNDER THE IMMIGRATION LAWS OR KNOWINGLY PRESENTING DOCUMENT WHICH FAILS TO CONTAIN REASONABLE BASIS IN LAW OR FACT.

The fourth undesignated paragraph of section 1546(a) of title 18, United States Code, is amended to read as follows:

''Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact—''.

SEC. 129. NEW CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS PREPARER OF FALSE APPLICATION FOR ASYLUM OR FOR PREPARING CERTAIN POST-CONVICTION APPLICATIONS.

Section 274C (8 U.S.C. 1324c) is amended by adding at the end the following new subsection:

''(e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—(1) Whoever, in any matter within the jurisdiction of the Service under section 208 of this Act, knowingly and willfully fails to disclose, conceals, or covers up the fact that they have, on behalf of any person and for a fee or other remuneration, prepared or assisted in preparing an application which was falsely made (as defined in subsection (f)) for immigration benefits pursuant to section 208 of this Act, or the regulations promulgated thereunder, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 5 years, or both, and prohibited from preparing or assisting in preparing, whether or not for a fee or other remuneration, any other such application.

''(2) Whoever, having been convicted of a violation of paragraph (1), knowingly and willfully prepares or assists in preparing an application for immigration benefits pursuant to this Act, or the regulations promulgated thereunder, whether or not for a fee or other remuneration and regardless of whether in any matter within the jurisdiction of the Service under section 208, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 15 years, or both, and prohibited from preparing or assisting in preparing any other such application.''.

SEC. 130. NEW DOCUMENT FRAUD OFFENSES; NEW CIVIL PENALTIES FOR DOCUMENT FRAUD.

(a) ACTIVITIES PROHIBITED.—Section 274C(a) (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (1), by inserting before the comma at the end the following: ''or to obtain a benefit under this Act'';

(2) in paragraph (2), by inserting before the comma at the end the following: ''or to obtain a benefit under this Act'';

(3) in paragraph (3)—

(A) by inserting ''or with respect to'' after ''issued to'';

(B) by adding before the comma at the end the following: ''or obtaining a benefit under this Act''; and

(C) by striking ''or'' at the end;

(4) in paragraph (4)—

(A) by inserting ''or with respect to'' after ''issued to'';

(B) by adding before the period at the end the following: ''or obtaining a benefit under this Act''; and

(C) by striking the period at the end and inserting '', or''; and

(5) by adding at the end the following new paragraphs:

''(5) to prepare, file, or assist another in preparing or filing, any application for benefits under this Act, or any document required under this Act, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted; or

''(6) to (A) present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States, and (B) fail to present such document to an immigration officer upon arrival at a United States port of entry.''.

(b) DEFINITION OF FALSELY MAKE.—Section 274C (8 U.S.C. 1324c), as amended by section 129 of this Act, is further amended by adding at the end the following new subsection:

''(f) FALSELY MAKE.—For purposes of this section, the term 'falsely make' means to prepare or provide an application or document, with knowledge or in reckless disregard of the fact that the application or document contains a false, fictitious, or fraudulent statement or material representation, or has no basis in law or fact, or otherwise fails to state a fact which is material to the purpose for which it was submitted.''.

(c) CONFORMING AMENDMENT.—Section 274C(d)(3) (8 U.S.C. 1324c(d)(3)) is amended by striking ''each document used, accepted, or created and each instance of use, acceptance, or creation'' each place it appears and inserting ''each document that is the subject of a violation under subsection (a)''.

(d) ENHANCED CIVIL PENALTIES FOR DOCUMENT FRAUD IF LABOR STANDARDS VIOLATIONS ARE PRESENT.—Section 274C(d) (8 U.S.C. 1324c(d)) is amended by adding at the end the following new paragraph:

''(7) CIVIL PENALTY.—(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the level of the penalty prescribed by this subsection in any case where the employer has been found to have committed willful or repeated violations of any of the following statutes:

''(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.''.

(e) WAIVER BY ATTORNEY GENERAL.—Section 274C(d) (8 U.S.C. 1324c(d)), as amended by subsection (d), is further amended by adding at the end the following new paragraph:

''(8) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the penalties imposed by this section with respect to an alien who knowingly violates paragraph (6) if the alien is granted asylum under section 208 or withholding of deportation under section 243(h).''.

(f) EFFECTIVE DATE.—

(1) DEFINITION OF FALSELY MAKE.—Section 274C(f) of the Immigration and Nationality Act, as added by subsection (b), applies to the preparation of applications before, on, or after the date of the enactment of this Act.

(2) ENHANCED CIVIL PENALTIES.—The amendments made by subsection (d) apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 131. NEW EXCLUSION FOR DOCUMENT FRAUD OR FOR FAILURE TO PRESENT DOCUMENTS.

Section 212(a)(6)(C) (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking ''(C) Misrepresentation'' and inserting the following:

''(C) Fraud, misrepresentation, and failure to present documents''; and

(2) by adding at the end the following new clause:

''(iii) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS.—

''(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

''(II) Any alien who is required to present a document relating to the alien's eligibility to enter the United States prior to boarding a common carrier for the purpose of coming to the United States and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States is excludable.''.

SEC. 132. LIMITATION ON WITHHOLDING OF DEPORTATION AND OTHER BENEFITS FOR ALIENS EXCLUDABLE FOR DOCUMENT FRAUD OR FAILING TO PRESENT DOCUMENTS, OR EXCLUDABLE ALIENS APPREHENDED AT SEA.

(a) INELIGIBILITY.—Section 235 (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

''(d)(1) Subject to paragraph (2), any alien who has not been admitted to the United States, and who is excludable under section 212(a)(6)(C)(iii) or who is an alien described in paragraph (3), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply therefor or for any other relief under this Act, except that an alien found to have a credible fear of persecution or of return to persecution in accordance with section 208(e) shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

''(2) An alien described in paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned under the provisions of this section only to a country in which (or from which) he or she has no credible fear of persecution (or of return to persecution). If there is no country to which the alien can be returned in accordance with the provisions of this paragraph, the alien shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

''(3) Any alien who is excludable under section 212(a), and who has been brought or escorted under the authority of the United States—

''(A) into the United States, having been on board a vessel encountered seaward of the territorial sea by officers of the United States; or

''(B) to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States;

shall either be detained on board the vessel on which such person arrived or in such facilities as are designated by the Attorney General or paroled in the discretion of the Attorney General pursuant to section 212(d)(5) pending accomplishment of the purpose for which the person was brought or escorted into the United States or to the port of entry, except that no alien shall be detained on board a public vessel of the United States without the concurrence of the head of the department under whose authority the vessel is operating.''.

(b) CONFORMING AMENDMENTS.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking ''Deportation'' and inserting ''Subject to section 235(d)(2), deportation''; and

(2) in the first sentence of paragraph (2), by striking ''If'' and inserting ''Subject to section 235(d)(2), if''.

SEC. 133. PENALTIES FOR INVOLUNTARY SERVITUDE.

(a) AMENDMENTS TO TITLE 18.—Sections 1581, 1583, 1584, and 1588 of title 18, United States Code, are amended by striking ''five'' each place it appears and inserting ''10''.

(b) REVIEW OF SENTENCING GUIDELINES.—The United States Sentencing Commission shall ascertain whether there exists an unwarranted disparity—

(1) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses in effect on the date of the enactment of this Act; and

(2) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for alien smuggling offenses in effect on the date of the enactment of this Act and after the amendment made by subsection (a).

(c) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review its guidelines on sentencing for peonage, involuntary servitude, and slave trade offenses under sections 1581 through 1588 of title 18, United States Code, and shall amend such guidelines as necessary to—

(1) reduce or eliminate any unwarranted disparity found under subsection (b) that exists between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses and alien smuggling offenses;

(2) ensure that the applicable guidelines for defendants convicted of peonage, involuntary servitude, and slave trade offenses are sufficiently stringent to deter such offenses and adequately reflect the heinous nature of such offenses; and

(3) ensure that the guidelines reflect the general appropriateness of enhanced sentences for defendants whose peonage, involuntary servitude, or slave trade offenses involve—

(A) a large number of victims;

(B) the use or threatened use of a dangerous weapon; or

(C) a prolonged period of peonage or involuntary servitude.

SEC. 134. EXCLUSION RELATING TO MATERIAL SUPPORT TO TERRORISTS.

Section 212(a)(3)(B)(iii)(III) (8 U.S.C. 1182(a)(3)(B)(iii)(III)) is amended by inserting ''documentation or'' before ''identification''.

PART 4—EXCLUSION AND DEPORTATION

SEC. 141. SPECIAL EXCLUSION PROCEDURE.

(a) ARRIVALS FROM CONTIGUOUS FOREIGN TERRITORY.—Section 235 (8 U.S.C. 1225) is amended—

(1) by redesignating subsection (b) as subsection (b)(1); and

(2) by adding at the end of subsection (b)(1), as redesignated, the following new paragraph:

''(2) If an alien subject to such further inquiry has arrived from a foreign territory contiguous to the United States, either at a land port of entry or on the land of the United States other than at a designated port of entry, the alien may be returned to that territory pending the inquiry.''.

(b) SPECIAL ORDERS OF EXCLUSION AND DEPORTATION.—Section 235 (8 U.S.C. 1225), as amended by section 132 of this Act, is further amended by adding at the end the following:

''(e)(1) Notwithstanding the provisions of subsection (b) of this section and section 236, the Attorney General may, without referral to a special inquiry officer or after such a referral, order the exclusion and deportation of any alien if—

''(A) the alien appears to an examining immigration officer, or to a special inquiry officer if such referral is made, to be an alien who—

''(i) has entered the United States without having been inspected and admitted by an immigration officer pursuant to this section, unless such alien affirmatively demonstrates to the satisfaction of such immigration officer or special inquiry officer that he has been physically present in the United States for an uninterrupted period of at least two years since such entry without inspection;

''(ii) is excludable under section 212(a)(6)(C)(iii);

''(iii) is brought or escorted under the authority of the United States into the United States, having been on board a vessel encountered outside of the territorial waters of the United States by officers of the United States;

''(iv) is brought or escorted under the authority of the United States to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States; or

''(v) has arrived on a vessel transporting aliens to the United States without such alien having received prior official authorization to come to, enter, or reside in the United States; or

''(B) the Attorney General has determined that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation.

''(2) As used in this section, the phrase 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity for the inspection and examination of such aliens.

''(3)(A) Subject to subparagraph (B), the determination of whether there exists an extraordinary migration situation or whether to invoke the provisions of paragraph (1) (A) or (B) is committed to the sole and exclusive discretion of the Attorney General.

''(B) The provisions of this subsection may be invoked under paragraph (1)(B) for a period not to exceed 90 days, unless, within such 90-day period or an extension thereof authorized by this subparagraph, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

''(4) When the Attorney General invokes the provisions of clause (iii), (iv), or (v) of paragraph (1)(A) or paragraph (1)(B), the Attorney General may, pursuant to this section and sections 235(e) and 106(f), suspend, in whole or in part, the operation of immigration regulations regarding the inspection and exclusion of aliens.

''(5) No alien may be ordered specially excluded under paragraph (1) if—

''(A) such alien is eligible to seek, and seeks, asylum under section 208; and

''(B) the Attorney General determines, in the procedure described in section 208(e), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided. An alien may be returned to a country in which the alien does not have a credible fear of persecution and from which the alien does not have a credible fear of return to persecution.

''(6) A special exclusion order entered in accordance with the provisions of this subsection is not subject to administrative review, except that the Attorney General shall provide by regulation for prompt review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to be, and appears to be, lawfully admitted for permanent residence.

''(7) A special exclusion order entered in accordance with the provisions of this subsection shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall be available only under section 106(f).

''(8) Nothing in this subsection may be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.''.

SEC. 142. STREAMLINING JUDICIAL REVIEW OF ORDERS OF EXCLUSION OR DEPORTATION.

(a) IN GENERAL.—Section 106 (8 U.S.C. 1105a) is amended to read as follows:

''JUDICIAL REVIEW OF ORDERS OF DEPORTATION, EXCLUSION, AND SPECIAL EXCLUSION

''SEC. 106. (a) APPLICABLE PROVISIONS.—Except as provided in subsection (b), judicial review of a final order of exclusion or deportation is governed only by chapter 158 of title 28 of the United States Code, but in no such review may a court order the taking of additional evidence pursuant to section 2347(c) of title 28, United States Code.

''(b) REQUIREMENTS.—(1)(A) A petition for judicial review must be filed not later than 30 days after the date of the final order of exclusion or deportation, except that in the case of any specially deportable criminal alien (as defined in section 242(k)), there shall be no judicial review of any final order of deportation.

''(B) The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the Attorney General, and the court may not extend these deadlines except upon motion for good cause shown.

''(C) If an alien fails to file a brief in connection with a petition for judicial review within the time provided in this paragraph, the Attorney General may move to dismiss the appeal, and the court shall grant such motion unless a manifest injustice would result.

''(2) A petition for judicial review shall be filed with the court of appeals for the judicial circuit in which the special inquiry officer completed the proceedings.

''(3) The respondent of a petition for judicial review shall be the Attorney General. The petition shall be served on the Attorney General and on the officer or employee of the Immigration and Naturalization Service in charge of the Service district in which the final order of exclusion or deportation was entered. Service of the petition on the officer or employee does not stay the deportation of an alien pending the court's decision on the petition, unless the court orders otherwise.

''(4)(A) Except as provided in paragraph (5)(B), the court of appeals shall decide the petition only on the administrative record on which the order of exclusion or deportation is based and the Attorney General's

findings of fact shall be conclusive unless a reasonable adjudicator would be compelled to conclude to the contrary.

''(B) The Attorney General's discretionary judgment whether to grant relief under section 212 (c) or (i), 244 (a) or (d), or 245 shall be conclusive and shall not be subject to review.

''(C) The Attorney General's discretionary judgment whether to grant relief under section 208(a) shall be conclusive unless manifestly contrary to law and an abuse of discretion.

''(5)(A) If the petitioner claims to be a national of the United States and the court of appeals finds from the pleadings and affidavits that no genuine issue of material fact about the petitioner's nationality is presented, the court shall decide the nationality claim.

''(B) If the petitioner claims to be a national of the United States and the court of appeals finds that a genuine issue of material fact about the petitioner's nationality is presented, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides for a new hearing on the nationality claim and a decision on that claim as if an action had been brought in the district court under section 2201 of title 28, United States Code.

''(C) The petitioner may have the nationality claim decided only as provided in this section.

''(6)(A) If the validity of an order of deportation has not been judicially decided, a defendant in a criminal proceeding charged with violating subsection (d) or (e) of section 242 may challenge the validity of the order in the criminal proceeding only by filing a separate motion before trial. The district court, without a jury, shall decide the motion before trial.

''(B) If the defendant claims in the motion to be a national of the United States and the district court finds that no genuine issue of material fact about the defendant's nationality is presented, the court shall decide the motion only on the administrative record on which the deportation order is based. The administrative findings of fact are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole.

''(C) If the defendant claims in the motion to be a national of the United States and the district court finds that a genuine issue of material fact about the defendant's nationality is presented, the court shall hold a new hearing on the nationality claim and decide that claim as if an action had been brought under section 2201 of title 28, United States Code.

''(D) If the district court rules that the deportation order is invalid, the court shall dismiss the indictment. The United States Government may appeal the dismissal to the court of appeals for the appropriate circuit within 30 days. The defendant may not file a petition for review under this section during the criminal proceeding. The defendant may have the nationality claim decided only as provided in this section.

''(7) This subsection—

''(A) does not prevent the Attorney General, after a final order of deportation has been issued, from detaining the alien under section 242(c);

''(B) does not relieve the alien from complying with subsection (d) or (e) of section 242; and

''(C) except as provided in paragraph (3), does not require the Attorney General to defer deportation of the alien.

''(8) The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

''(c) REQUIREMENTS FOR PETITION.—A petition for review of an order of exclusion or deportation shall state whether a court has upheld the validity of the order, and, if so, shall state the name of the court, the date of the court's ruling, and the kind of proceeding.

''(d) REVIEW OF FINAL ORDERS.—

''(1) A court may review a final order of exclusion or deportation only if—

''(A) the alien has exhausted all administrative remedies available to the alien as a matter of right; and

''(B) another court has not decided the validity of the order, unless, subject to paragraph (2), the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

''(2) Nothing in paragraph (1)(B) may be construed as creating a right of review if such review would be inconsistent with subsection (e), (f), or (g), or any other provision of this section.

''(e) NO JUDICIAL REVIEW FOR ORDERS OF DEPORTATION OR EXCLUSION ENTERED AGAINST CERTAIN CRIMINAL ALIENS.—Notwithstanding any other provision of law, any order of exclusion or deportation against an alien who is excludable or deportable by reason of having committed any criminal offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), is not subject to review by any court.

''(f) LIMITED REVIEW FOR SPECIAL EXCLUSION AND DOCUMENT FRAUD.—(1) Notwithstanding any other provision of law, except as provided in this subsection, no court shall have jurisdiction to review any individual determination or to hear any other cause of action or claim arising from or relating to the implementation or operation of sections 208(e), 212(a)(6)(iii), 235(d), and 235(e).

''(2)(A) Except as provided in this subsection, there shall be no judicial review of—

''(i) a decision by the Attorney General to invoke the provisions of section 235(e);

''(ii) the application of section 235(e) to individual aliens, including the determination made under paragraph (5); or

''(iii) procedures and policies adopted by the Attorney General to implement the provisions of section 235(e).

''(B) Without regard to the nature of the action or claim, or the identity of the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection, or to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

''(3) Judicial review of any cause, claim, or individual determination made or arising under or relating to section 208(e), 212(a)(6)(iii), 235(d), or 235(e) shall only be available in a habeas corpus proceeding, and shall be limited to determinations of—

''(A) whether the petitioner is an alien;

''(B) whether the petitioner was ordered specially excluded; and

''(C) whether the petitioner can prove by a preponderance of the evidence that he or she is an alien lawfully admitted for permanent residence and is entitled to such further inquiry as is prescribed by the Attorney General pursuant to section 235(e)(6).

''(4)(A) In any case where the court determines that the petitioner—

''(i) is an alien who was not ordered specially excluded under section 235(e), or

''(ii) has demonstrated by a preponderance of the evidence that he or she is a lawful permanent resident,

the court may order no remedy or relief other than to require that the petitioner be provided a hearing in accordance with section 236 or a determination in accordance with section 235(c) or 273(d).

''(B) Any alien who is provided a hearing under section 236 pursuant to these provisions may thereafter obtain judicial review of any resulting final order of exclusion pursuant to this section.

''(5) In determining whether an alien has been ordered specially excluded under section 235(e), the court's inquiry shall be limited to whether such an order in fact was issued and whether it relates to the petitioner. There shall be no review of whether the alien is actually excludable or entitled to any relief from exclusion.

''(g) NO COLLATERAL ATTACK.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or 276, no court shall have jurisdiction to hear claims attacking the validity of orders of exclusion, special exclusion, or deportation entered under section 235, 236, or 242.''.

(b) RESCISSION OF ORDER.—Section 242B(c)(3) (8 U.S.C. 1252b(c)(3)) is amended by striking the period at the end and inserting ''by the special inquiry officer, but there shall be no stay pending further administrative or judicial review, unless ordered because of individually compelling circumstances.''.

(c) CLERICAL AMENDMENT.—The table of contents of the Act is amended by amending the item relating to section 106 to read as follows:

''Sec. 106. Judicial review of orders of deportation, exclusion, and special exclusion.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to all final orders of exclusion or deportation entered, and motions to reopen filed, on or after the date of the enactment of this Act.

SEC. 143. CIVIL PENALTIES AND VISA INELIGIBILITY, FOR FAILURE TO DEPART.

(a) ALIENS SUBJECT TO AN ORDER OF EXCLUSION OR DEPORTATION.—The Immigration and Nationality Act is amended by inserting after section 274C (8 U.S.C. 1324c) the following new section:

''CIVIL PENALTIES FOR FAILURE TO DEPART

''SEC. 274D. (a) Any alien subject to a final order of exclusion and deportation or deportation who—

''(1) willfully fails or refuses to—

''(A) depart on time from the United States pursuant to the order;

''(B) make timely application in good faith for travel or other documents necessary for departure; or

''(C) present himself or herself for deportation at the time and place required by the Attorney General; or

''(2) conspires to or takes any action designed to prevent or hamper the alien's departure pursuant to the order,

shall pay a civil penalty of not more than $500 to the Commissioner for each day the alien is in violation of this section.

''(b) The Commissioner shall deposit amounts received under subsection (a) as offsetting collections in the appropriate appropriations account of the Service.

''(c) Nothing in this section shall be construed to diminish or qualify any penalties to which an alien may be subject for activities proscribed by section 242(e) or any other section of this Act.''.

(b) VISA OVERSTAYER.—The Immigration and Nationality Act is amended in section 212 (8 U.S.C. 1182) by inserting the following new subsection:

''(p)(1) Any lawfully admitted nonimmigrant who remains in the United States

for more than 60 days beyond the period authorized by the Attorney General shall be ineligible for additional nonimmigrant or immigrant visas (other than visas available for spouses of United States citizens or aliens lawfully admitted for permanent residence) until the date that is—

''(A) 3 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant not described in paragraph (2); or

''(B) 5 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant who without reasonable cause fails or refuses to attend or remain in attendance at a proceeding to determine the nonimmigrant's deportability.

''(2)(A) Paragraph (1) shall not apply to any lawfully admitted nonimmigrant who is described in paragraph (1)(A) and who demonstrates good cause for remaining in the United States for the entirety of the period (other than the first 60 days) during which the nonimmigrant remained in the United States without the authorization of the Attorney General.

''(B) A final order of deportation shall not be stayed on the basis of a claim of good cause made under this subsection.

''(3) The Attorney General shall by regulation establish procedures necessary to implement this section.''.

(c) EFFECTIVE DATE.—Subsection (b) shall take effect on the date of implementation of the automated entry-exit control system described in section 201, or on the date that is 2 years after the date of enactment of this Act, whichever is earlier.

(d) AMENDMENTS TO TABLE OF CONTENTS.—The table of contents of the Act is amended by inserting after the item relating to section 274C the following:

''Sec. 274D. Civil penalties for failure to depart.''.

SEC. 144. CONDUCT OF PROCEEDINGS BY ELECTRONIC MEANS.

Section 242(b) (8 U.S.C. 1252(b)) is amended by inserting at the end the following new sentences: ''Nothing in this subsection precludes the Attorney General from authorizing proceedings by video electronic media, by telephone, or, where a requirement for the alien's appearance is waived or the alien's absence is agreed to by the parties, in the absence of the alien. Contested full evidentiary hearings on the merits may be conducted by telephone only with the consent of the alien.''.

SEC. 145. SUBPOENA AUTHORITY.

(a) EXCLUSION PROCEEDINGS.—Section 236(a) (8 U.S.C. 1226(a)) is amended in the first sentence by inserting ''issue subpoenas,'' after ''evidence,''.

(b) DEPORTATION PROCEEDINGS.—Section 242(b) (8 U.S.C. 1252(b)) is amended in the first sentence by inserting ''issue subpoenas,'' after ''evidence,''.

SEC. 146. LANGUAGE OF DEPORTATION NOTICE; RIGHT TO COUNSEL.

(a) LANGUAGE OF NOTICE.—Section 242B (8 U.S.C. 1252b) is amended in subsection (a)(3) by striking ''under this subsection'' and all that follows through ''(B)'' and inserting ''under this subsection''.

(b) PRIVILEGE OF COUNSEL.—(1) Section 242B(b)(1) (8 U.S.C. 1252b(b)(1)) is amended by inserting before the period at the end the following: '', except that a hearing may be scheduled as early as 3 days after the service of the order to show cause if the alien has been continued in custody subject to section 242''.

(2) The parenthetical phrase in section 292 (8 U.S.C. 1362) is amended to read as follows: ''(at no expense to the Government or unreasonable delay to the proceedings)''.

(3) Section 242B(b) (8 U.S.C. 1252b(b)) is further amended by inserting at the end the following new paragraph:

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent the Attorney General from proceeding against an alien pursuant to section 242 if the time period described in paragraph (1) has elapsed and the alien has failed to secure counsel.''.

SEC. 147. ADDITION OF NONIMMIGRANT VISAS TO TYPES OF VISA DENIED FOR COUNTRIES REFUSING TO ACCEPT DEPORTED ALIENS.

(a) IN GENERAL.—Section 243(g) (8 U.S.C. 1253(g)) is amended to read as follows:

''(g)(1) If the Attorney General determines that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject, or resident thereof, the Attorney General shall notify the Secretary of such fact, and thereafter, subject to paragraph (2), neither the Secretary of State nor any consular officer shall issue an immigrant or nonimmigrant visa to any national, citizen, subject, or resident of such country.

''(2) The Secretary of State may waive the application of paragraph (1) if the Secretary determines that such a waiver is necessary to comply with the terms of a treaty or international agreement or is in the national interest of the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to countries for which the Secretary of State gives instructions to United States consular officers on or after the date of the enactment of this Act.

SEC. 148. AUTHORIZATION OF SPECIAL FUND FOR COSTS OF DEPORTATION.

In addition to any other funds otherwise available in any fiscal year for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service $10,000,000 for use without fiscal year limitation for the purpose of—

(1) executing final orders of deportation pursuant to sections 242 and 242A of the Immigration and Nationality Act (8 U.S.C. 1252 and 1252a); and

(2) detaining aliens prior to the execution of final orders of deportation issued under such sections.

SEC. 149. PILOT PROGRAM TO INCREASE EFFICIENCY IN REMOVAL OF DETAINED ALIENS.

(a) AUTHORITY.—The Attorney General shall conduct one or more pilot programs to study methods for increasing the efficiency of deportation and exclusion proceedings against detained aliens by increasing the availability of pro bono counseling and representation for such aliens. Any such pilot program may provide for administrative grants to not-for-profit organizations involved in the counseling and representation of aliens in immigration proceedings. An evaluation component shall be included in any such pilot program to test the efficiency and cost-effectiveness of the services provided and the replicability of such programs at other locations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the program or programs described in subsection (a).

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as creating a right for any alien to be represented in any exclusion or deportation proceeding at the expense of the Government.

SEC. 150. LIMITATIONS ON RELIEF FROM EXCLUSION AND DEPORTATION.

(a) LIMITATION.—Section 212(c) (8 U.S.C. 1182(c)) is amended to read as follows:

''(c)(1) Subject to paragraphs (2) through (5), an alien who is and has been lawfully admitted for permanent residence for at least 5 years, who has resided in the United States continuously for 7 years after having been lawfully admitted, and who is returning to such residence after having temporarily proceeded abroad voluntarily and not under an order of deportation, may be admitted in the discretion of the Attorney General without regard to the provisions of subsection (a) (other than paragraphs (3) and (9)(C)).

''(2) For purposes of this subsection, any period of continuous residence shall be deemed to end when the alien is placed in proceedings to exclude or deport the alien from the United States.

''(3) Nothing contained in this subsection shall limit the authority of the Attorney General to exercise the discretion authorized under section 211(b).

''(4) Paragraph (1) shall not apply to an alien who has been convicted of one or more aggravated felonies and has been sentenced for such felony or felonies to a term or terms of imprisonment totalling, in the aggregate, at least 5 years.

''(5) This subsection shall apply only to an alien in proceedings under section 236.''.

(b) CANCELLATION OF DEPORTATION.—Section 244 (8 U.S.C. 1254) is amended to read as follows:

''CANCELLATION OF DEPORTATION; ADJUSTMENT OF STATUS; VOLUNTARY DEPARTURE

''SEC. 244. (a) CANCELLATION OF DEPORTATION.—(1) The Attorney General may, in the Attorney General's discretion, cancel deportation in the case of an alien who is deportable from the United States and—

''(A) is, and has been for at least 5 years, a lawful permanent resident; has resided in the United States continuously for not less than 7 years after being lawfully admitted; and has not been convicted of an aggravated felony or felonies for which the alien has been sentenced to a term or terms of imprisonment totaling, in the aggregate, at least 5 years;

''(B) has been physically present in the United States for a continuous period of not less than 7 years since entering the United States; has been a person of good moral character during such period; and establishes that deportation would result in extreme hardship to the alien or the alien's spouse, parent, or child, who is a citizen or national of the United States or an alien lawfully admitted for permanent residence;

''(C) has been physically present in the United States for a continuous period of not less than three years since entering the United States; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident (or is the parent of a child who is a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such citizen or permanent resident parent); has been a person of good moral character during all of such period in the United States; and establishes that deportation would result in extreme hardship to the alien or the alien's parent or child; or

''(D) is deportable under paragraph (2) (A), (B), or (D), or paragraph (3) of section 241(a); has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(2)(A) For purposes of paragraph (1), any period of continuous residence or continuous physical presence in the United States shall be deemed to end when the alien is served an order to show cause pursuant to section 242 or 242B.

''(B) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1) (B), (C), or (D) if the alien was absent from the United States for any single period of more than 90 days or an aggregate period of more than 180 days.

''(C) A person who is deportable under section 241(a)(2)(C) or 241(a)(4) shall not be eligible for relief under this section.

''(D) A person who is deportable under section 241(a)(2) (A), (B), or (D) or section 241(a)(3) shall not be eligible for relief under paragraph (1) (A), (B), or (C).

''(E) A person who has been convicted of an aggravated felony shall not be eligible for relief under paragraph (1) (B), or (C), (D).

''(F) A person who is deportable under section 241(a)(1)(G) shall not be eligible for relief under paragraph (1)(C).

''(b) CONTINUOUS PHYSICAL PRESENCE NOT REQUIRED BECAUSE OF HONORABLE SERVICE IN ARMED FORCES AND PRESENCE UPON ENTRY INTO SERVICE.—The requirements of continuous residence or continuous physical presence in the United States specified in subsection (a)(1) (A) and (B) shall not be applicable to an alien who—

''(1) has served for a minimum period of 24 months in an active-duty status in the Armed Forces of the United States and, if separated from such service, was separated under honorable conditions, and

''(2) at the time of his or her enlistment or induction, was in the United States.

''(c) ADJUSTMENT OF STATUS.—The Attorney General may cancel deportation and adjust to the status of an alien lawfully admitted for permanent residence any alien who the Attorney General determines meets the requirements of subsection (a)(1) (B), (C), or (D). The Attorney General shall record the alien's lawful admission for permanent residence as of the date the Attorney General decides to cancel such alien's removal.

''(d) ALIEN CREWMEN; NONIMMIGRANT EXCHANGE ALIENS ADMITTED TO RECEIVE GRADUATE MEDICAL EDUCATION OR TRAINING; OTHER.—The provisions of subsection (a) shall not apply to an alien who—

''(1) entered the United States as a crewman after June 30, 1964;

''(2) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, in order to receive graduate medical education or training, without regard to whether or not the alien is subject to or has fulfilled the two-year foreign residence requirement of section 212(e); or

''(3)(A) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, other than to receive graduate medical education or training;

''(B) is subject to the two-year foreign residence requirement of section 212(e); and

''(C) has not fulfilled that requirement or received a waiver thereof, or, in the case of a foreign medical graduate who has received a waiver pursuant to section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416), has not fulfilled the requirements of section 214(k).

''(e) VOLUNTARY DEPARTURE.—(1)(A) The Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense—

''(i) in lieu of being subject to deportation proceedings under section 242 or prior to the completion of such proceedings, if the alien is not a person deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); or

''(ii) after the completion of deportation proceedings under section 242, only if a special inquiry officer determines that—

''(I) the alien is, and has been for at least 5 years immediately preceding the alien's application for voluntary departure, a person of good moral character;

''(II) the alien is not deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); and

''(III) the alien establishes by clear and convincing evidence that the alien has the means to depart the United States and intends to do so.

''(B)(i) In the case of departure pursuant to subparagraph (A)(i), the Attorney General may require the alien to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.

''(ii) If any alien who is authorized to depart voluntarily under this paragraph is financially unable to depart at the alien's own expense and the Attorney General deems the alien's removal to be in the best interest of the United States, the expense of such removal may be paid from the appropriation for enforcement of this Act.

''(C) In the case of departure pursuant to subparagraph (A)(ii), the alien shall be required to post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified.

''(2) If the alien fails voluntarily to depart the United States within the time period specified in accordance with paragraph (1), the alien shall be subject to a civil penalty of not more than $500 per day and shall be ineligible for any further relief under this subsection or subsection (a).

''(3)(A) The Attorney General may by regulation limit eligibility for voluntary departure for any class or classes of aliens.

''(B) No court may review any regulation issued under subparagraph (A).

''(4) No court shall have jurisdiction over an appeal from denial of a request for an order of voluntary departure under paragraph (1), nor shall any court order a stay of an alien's removal pending consideration of any claim with respect to voluntary departure.''.

(c) CONFORMING AMENDMENTS.—(1) Section 242(b) (8 U.S.C. 1252(b)) is amended by striking the last two sentences.

(2) Section 242B (8 U.S.C. 1252b) is amended—

(A) in subsection (e)(2), by striking ''section 244(e)(1)'' and inserting ''section 244(e)''; and

(B) in subsection (e)(5)—

(i) by striking ''suspension of deportation'' and inserting ''cancellation of deportation''; and

(ii) by inserting ''244,'' before ''245''.

(d) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents of the Act is amended by amending the item relating to section 244 to read as follows:

''Sec. 244. Cancellation of deportation; adjustment of status; voluntary departure.''.

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)), except that, for purposes of determining the period of continuous residence, the amendments made by subsection (a) shall apply to all aliens against whom proceedings are commenced on or after the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254), except that, for purposes of determining the periods of continuous residence or continuous physical presence, the amendments made by subsection (b) shall apply to all aliens upon whom an order to show cause is served on or after the date of the enactment of this Act.

(3) The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 151. ALIEN STOWAWAYS.

(a) DEFINITION.—Section 101(a) (8 U.S.C. 1101) is amended by adding the following new paragraph:

''(47) The term 'stowaway' means any alien who obtains transportation without the consent of the owner, charterer, master, or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.''.

(b) EXCLUDABILITY.—Section 237 (8 U.S.C. 1227) is amended—

(1) in subsection (a)(1), before the period at the end of the first sentence, by inserting the following: '', or unless the alien is an excluded stowaway who has applied for asylum or withholding of deportation and whose application has not been adjudicated or whose application has been denied but who has not exhausted every appeal right''; and

(2) by inserting after the first sentence in subsection (a)(1) the following new sentences: ''Any alien stowaway inspected upon arrival in the United States is an alien who is excluded within the meaning of this section. For purposes of this section, the term 'alien' includes an excluded stowaway. The provisions of this section concerning the deportation of an excluded alien shall apply to the deportation of a stowaway under section 273(d).''.

(c) CARRIER LIABILITY FOR COSTS OF DETENTION.—Section 273(d) (8 U.S.C. 1323(d)) is amended to read as follows:

''(d)(1) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to detain on board or at such other place as may be designated by an immigration officer any alien stowaway until such stowaway has been inspected by an immigration officer.

''(2) Upon inspection of an alien stowaway by an immigration officer, the Attorney General may by regulation take immediate custody of any stowaway and shall charge the owner, charterer, agent, consignee, commanding officer, or master of the vessel or aircraft on which the stowaway has arrived the costs of detaining the stowaway.

''(3) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to deport any alien stowaway on the vessel or aircraft on which such stowaway arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which such stowaway arrived when required to do so by an immigration officer.

''(4) Any person who fails to comply with paragraph (1) or (3), shall be subject to a fine of $5,000 for each alien for each failure to comply, payable to the Commissioner. The Commissioner shall deposit amounts received under this paragraph as offsetting collections to the applicable appropriations account of the Service. Pending final determination of liability for such fine, no such vessel or aircraft shall be granted clearance,

except that clearance may be granted upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the Commissioner.

''(5) An alien stowaway inspected upon arrival shall be considered an excluded alien under this Act.

''(6) The provisions of section 235 for detention of aliens for examination before a special inquiry officer and the right of appeal provided for in section 236 shall not apply to aliens who arrive as stowaways, and no such aliens shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Attorney General may prescribe for the departure, removal, or deportation of such alien from the United States.

''(7) A stowaway may apply for asylum under section 208 or withholding of deportation under section 243(h), pursuant to such regulations as the Attorney General may establish.''.

SEC. 152. PILOT PROGRAM ON INTERIOR REPATRIATION AND OTHER METHODS TO DETER MULTIPLE UNLAWFUL ENTRIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, after consultation with the Secretary of State, shall establish a pilot program for up to two years which provides for methods to deter multiple unlawful entries by aliens into the United States. The pilot program may include the development and use of interior repatriation, third country repatriation, and other disincentives for multiple unlawful entries into the United States.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the operation of the pilot program under this section and whether the pilot program or any part thereof should be extended or made permanent.

SEC. 153. PILOT PROGRAM ON USE OF CLOSED MILITARY BASES FOR THE DETENTION OF EXCLUDABLE OR DEPORTABLE ALIENS.

(a) ESTABLISHMENT.—The Attorney General and the Secretary of Defense shall jointly establish a pilot program for up to two years to determine the feasibility of the use of military bases available through the defense base realignment and closure process as detention centers for the Immigration and Naturalization Service.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on National Security of the House of Representatives, and the Committee on Armed Services of the Senate, on the feasibility of using military bases closed through the defense base realignment and closure process as detention centers by the Immigration and Naturalization Service.

SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.

Section 234 (8 U.S.C. 1224) is amended to read as follows:

''PHYSICAL AND MENTAL EXAMINATIONS

''SEC. 234. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

''(1) Aliens applying for visas for admission to the United States for permanent residence.

''(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

''(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

''(4) Alien crewmen entering or in transit across the United States.

''(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

''(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

''(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

''(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

''(c) MEDICAL EXAMINERS.—

''(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.

''(B) Medical officers of the United States Public Health Service who have had specialized training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Secretary may designate, in consultation with the Attorney General.

''(2) CIVIL SURGEONS.—(A) Whenever medical officers of the United States Public Health Service are not available to perform examinations under this section, the Attorney General, in consultation with the Secretary, shall designate civil surgeons to perform the examinations.

''(B) Each civil surgeon designated under subparagraph (A) shall—

''(i) have at least 4 years of professional experience unless the Secretary determines that special or extenuating circumstances justify the designation of an individual having a lesser amount of professional experience; and

''(ii) satisfy such other eligibility requirements as the Secretary may prescribe.

''(3) PANEL PHYSICIANS.—In the case of examinations under this section abroad, the medical examiner shall be a panel physician designated by the Secretary of State, in consultation with the Secretary.

''(d) CERTIFICATION OF MEDICAL FINDINGS.—The medical examiners shall certify for the information of immigration officers and special inquiry officers, or consular officers, as the case may be, any physical or mental defect or disease observed by such examiners in any such alien.

''(e) VACCINATION ASSESSMENT.—(1) The assessment referred to in subsection (b)(1)(B) is an assessment of the alien's record of required vaccines for preventable diseases, including mumps, measles, rubella, polio, tetanus, diphtheria toxoids, pertussis, hemophilus-influenza type B, hepatitis type B, as well as any other diseases specified as vaccine-preventable by the Advisory Committee on Immunization Practices.

''(2) Medical examiners shall educate aliens on the importance of immunizations and shall create an immunization record for the alien at the time of examination.

''(3)(A) Each alien who has not been vaccinated against measles, and each alien under the age of 5 years who has not been vaccinated against polio, must receive such vaccination, unless waived by the Secretary, and must receive any other vaccination determined necessary by the Secretary prior to arrival in the United States.

''(B) Aliens who have not received the entire series of vaccinations prescribed in paragraph (1) (other than measles) shall return to a designated civil surgeon within 30 days of arrival in the United States, or within 30 days of adjustment of status, for the remainder of the vaccinations.

''(f) APPEAL OF MEDICAL EXAMINATION FINDINGS.—Any alien determined to have a health-related grounds of exclusion under paragraph (1) of section 212(a) may appeal that determination to a board of medical officers of the Public Health Service, which shall be convened by the Secretary. The alien may introduce at least one expert medical witness before the board at his or her own cost and expense.

''(g) FUNDING.—(1)(A) The Attorney General shall impose a fee upon any person applying for adjustment of status to that of an alien lawfully admitted to permanent residence under section 209, 210, 245, or 245A, and the Secretary of State shall impose a fee upon any person applying for a visa at a United States consulate abroad who is required to have a medical examination in accordance with subsection (a).

''(B) The amounts of the fees required by subparagraph (A) shall be established by the Secretary, in consultation with the Attorney General and the Secretary of State, as the case may be, and shall be set at such amounts as may be necessary to recover the full costs of establishing and administering the civil surgeon and panel physician programs, including the costs to the Service, the Department of State, and the Department of Health and Human Services for any additional expenditures associated with the administration of the fees collected.

''(2)(A) The fees imposed under paragraph (1) may be collected as separate fees or as surcharges to any other fees that may be collected in connection with an application for adjustment of status under section 209, 210, 245, or 245A, for a visa, or for a waiver of excludability under paragraph (1) or (2) of section 212(g), as the case may be.

''(B) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28, 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected by the Secretary of State under this section.

''(3)(A) There is established on the books of the Treasury of the United States a separate account which shall be known as the 'Medical Examinations Fee Account'.

''(B) There shall be deposited as offsetting receipts into the Medical Examinations Fee Account all fees collected under paragraph (1), to remain available until expended.

''(C) Amounts in the Medical Examinations Fee Account shall be available only to reimburse any appropriation currently available for the programs established by this section.

''(h) DEFINITIONS.—As used in this section—

''(1) the term 'medical examiner' refers to a medical officer, civil surgeon, or panel physician, as described in subsection (c); and

''(2) the term 'Secretary' means the Secretary of Health and Human Services.''.

SEC. 155. CERTIFICATION REQUIREMENTS FOR FOREIGN HEALTH-CARE WORKERS.

(a) IN GENERAL.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph:

''(9) UNCERTIFIED FOREIGN HEALTH-CARE WORKERS.—(A) Any alien who seeks to enter the United States for the purpose of performing labor as a health-care worker, other than a physician, is excludable unless the alien presents to the consular officer, or, in the case of an adjustment of status, the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing

Schools, or a certificate from an equivalent independent credentialing organization approved by the Attorney General in consultation with the Secretary of Health and Human Services, verifying that—

''(i) the alien's education, training, license, and experience—

''(I) meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application;

''(II) are comparable with that required for an American health-care worker of the same type; and

''(III) are authentic and, in the case of a license, unencumbered;

''(ii) the alien has the level of competence in oral and written English considered by the Secretary of Health and Human Services, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant's ability to speak and write; and

''(iii) if a majority of States licensing the profession in which the alien intends to work recognize a test predicting the success on the profession's licensing and certification examination, the alien has passed such a test.

''(B) For purposes of subparagraph (A)(ii), determination of the standardized tests required and of the minimum scores that are appropriate are within the sole discretion of the Secretary of Health and Human Services and are not subject to further administrative or judicial review.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 101(f)(3) is amended by striking ''(9)(A) of section 212(a)'' and inserting ''(10)(A) of section 212(a)''.

(2) Section 212(c) is amended by striking ''(9)(C)'' and inserting ''(10)(C)''.

SEC. 156. INCREASED BAR TO REENTRY FOR ALIENS PREVIOUSLY REMOVED.

(a) IN GENERAL.—Section 212(a)(6) (8 U.S.C. 1182(a)(6)) is amended—

(1) in subparagraph (A)—

(A) by striking ''one year'' and inserting ''five years''; and

(B) by inserting '', or within 20 years of the date of any second or subsequent deportation,'' after ''deportation'';

(2) in subparagraph (B)—

(A) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(B) by inserting after clause (i) the following new clause;

''(ii) has departed the United States while an order of deportation is outstanding,'';

(C) by striking ''or'' after ''removal,''; and

(D) by inserting ''or (c) who seeks admission within 20 years of a second or subsequent deportation or removal,'' after ''felony,''.

(b) REENTRY OF DEPORTED ALIEN.—Section 276(a)(1) (8 U.S.C. 1326(a)(1)) is amended to read as follows:

''(1) has been arrested and deported, has been excluded and deported, or has departed the United States while an order of exclusion or deportation is outstanding, and thereafter''.

SEC. 157. ELIMINATION OF CONSULATE SHOPPING FOR VISA OVERSTAYS.

(a) IN GENERAL.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

''(g)(1) In the case of an alien who has entered and remained in the United States beyond the authorized period of stay, the alien's nonimmigrant visa shall thereafter be invalid for reentry into the United States.

''(2) An alien described in paragraph (1) shall be ineligible to be readmitted to the United States as a nonimmigrant subsequent to the expiration of the alien's authorized period of stay, except—

''(A) on the basis of a visa issued in a consular office located in the country of the alien's nationality (or, if there is no office in such country, in such other consular office as the Secretary of State shall specify); or

''(B) where extraordinary circumstances are found by the Secretary of State to exist.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to visas issued before, on, or after the date of the enactment of this Act.

SEC. 158. INCITEMENT AS A BASIS FOR EXCLUSION FROM THE UNITED STATES.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), is amended—

(1) by striking ''or'' at the end of clause (i)(I);

(2) in clause (i)(II), by inserting ''or'' at the end; and

(3) by inserting after clause (i)(II) the following new subclause:

''(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorism, engaged in targeted racial vilification, or advocated the overthrow of the United States Government or death or serious bodily harm to any United States citizen or United States Government official,''.

SEC. 159. CONFORMING AMENDMENT TO WITHHOLDING OF DEPORTATION.

Section 243(h) (8 U.S.C. 1253(h)) is amended by adding at the end the following new paragraph:

''(3) The Attorney General may refrain from deporting any alien if the Attorney General determines that—

''(A) such alien's life or freedom would be threatened, in the country to which such alien would be deported or returned, on account of race, religion, nationality, membership in a particular social group, or political opinion, and

''(B) deporting such alien would violate the 1967 United Nations Protocol relating to the Status of Refugees.''.

PART 5—CRIMINAL ALIENS

SEC. 161. AMENDED DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) in subparagraph (D), by striking ''$100,000'' and inserting ''$10,000'';

(2) in subparagraphs (F), (G), and (O), by striking ''is at least 5 years'' each place it appears and inserting ''at least one year'';

(3) in subparagraph (J)—

(A) by striking ''sentence of 5 years' imprisonment'' and inserting ''sentence of one year imprisonment''; and

(B) by striking ''offense described'' and inserting ''offense described in section 1084 of title 18 (if it is a second or subsequent offense), section 1955 of such title (relating to gambling offenses), or'';

(4) in subparagraph (K)—

(A) by striking ''or'' at the end of clause (i);

(B) by adding ''or'' at the end of clause (ii); and

(C) by adding at the end the following new clause:

''(iii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution), if committed for commercial advantage.'';

(5) in subparagraph (L)—

(A) by striking ''or'' at the end of clause (i);

(B) by inserting ''or'' at the end of clause (ii); and

(C) by adding at the end the following new clause:

''(iii) section 601 of the National Security Act of 1947 (relating to protecting the identity of undercover agents)'';

(6) in subparagraph (M), by striking ''$200,000'' each place it appears and inserting ''$10,000'';

(7) in subparagraph (N)—

(A) by striking ''of title 18, United States Code''; and

(B) by striking ''for the purpose of commercial advantage'' and inserting the following: '', except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act'';

(8) in subparagraph (O), by striking ''which constitutes'' and all that follows up to the semicolon at the end and inserting the following: '', except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act'';

(9) by redesignating subparagraphs (P) and (Q) as subparagraphs (R) and (S), respectively;

(10) by inserting after subparagraph (O) the following new subparagraphs:

''(P) any offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles whose identification numbers have been altered for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;

''(Q) any offense relating to perjury or subornation of perjury for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;'' and

(11) in subparagraph (R) (as redesignated), by striking ''15'' and inserting ''5''.

(b) EFFECTIVE DATE OF DEFINITION.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of law, the term applies regardless of whether the conviction was entered before, on, or after the date of enactment of this paragraph, except that, for purposes of section 242(f)(2), the term has the same meaning as was in effect under this paragraph on the date the offense was committed.''.

(c) APPLICATION TO WITHHOLDING OF DEPORTATION.—Section 243(h) (8 U.S.C. 1253(h)), as amended by section 159 of this Act, is further amended in paragraph (2) by striking the last sentence and inserting the following: ''For purposes of subparagraph (B), an alien shall be considered to have committed a particularly serious crime if such alien has been convicted of one or more of the following:

''(1) An aggravated felony, or attempt or conspiracy to commit an aggravated felony, for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year.

''(2) An offense described in subparagraph (A), (B), (C), (E), (H), (I), (J), (L), or subparagraph (K)(ii), of section 101(a)(43), or an attempt or conspiracy to commit an offense described in one or more of such subparagraphs.''.

SEC. 162. INELIGIBILITY OF AGGRAVATED FELONS FOR ADJUSTMENT OF STATUS.

Section 244(c) (8 U.S.C. 1254(c)), as amended by section 150 of this Act, is further amended by adding at the end the following new sentence: ''No person who has been convicted of an aggravated felony shall be eligible for relief under this subsection.''.

SEC. 163. EXPEDITIOUS DEPORTATION CREATES NO ENFORCEABLE RIGHT FOR AGGRAVATED FELONS.

Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by striking ''section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i))'' and inserting ''sections 242(i) or 242A of the Immigration and Nationality Act (8 U.S.C. 1252(i) or 1252a)''.

SEC. 164. CUSTODY OF ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended in subsection (e)(2) by inserting after ''unless'' the following: ''(A) the Attorney General determines, pursuant to section 3521 of title 18, United States Code, that release from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and that after such release the alien would not be a threat to the community, or (B)''.

(b) CUSTODY UPON RELEASE FROM INCARCERATION.—Section 242(a)(2) (8 U.S.C. 1252(a)(2)) is amended to read as follows:

''(2)(A) The Attorney General shall take into custody any specially deportable criminal alien upon release of the alien from incarceration and shall deport the alien as expeditiously as possible. Notwithstanding any other provision of law, the Attorney General shall not release such felon from custody.

''(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.''.

(c) PERIOD IN WHICH TO EFFECT ALIEN'S DEPARTURE.—Section 242(c) is amended—

(1) in the first sentence—

(A) by striking ''(c)'' and inserting ''(c)(1)''; and

(B) by inserting ''(other than an alien described in paragraph (2))''; and

(2) by adding at the end the following new paragraphs:

''(2)(A) When a final order of deportation is made against any specially deportable criminal alien, the Attorney General shall have a period of 30 days from the later of—

''(i) the date of such order, or

''(ii) the alien's release from incarceration, within which to effect the alien's departure from the United States.

''(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.

''(3) Nothing in this subsection shall be construed as providing a right enforceable by or on behalf of any alien to be released from custody or to challenge the alien's deportation.''.

(d) CRIMINAL PENALTY FOR UNLAWFUL REENTRY.—Section 242(f) of the Immigration and Nationality Act (8 U.S.C. 1252(f)) is amended—

(1) by inserting ''(1)'' immediately after ''(f)''; and

(2) by adding at the end the following new paragraph:

''(2) Any alien who has unlawfully reentered or is found in the United States after having previously been deported subsequent to a conviction for any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or two or more offenses described in clause (ii) of section 241(a)(2)(A), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), shall, in addition to the punishment provided for any other crime, be punished by imprisonment of not less than 15 years.''.

(e) DEFINITION.—Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

''(k) For purposes of this section, the term 'specially deportable criminal alien' means any alien convicted of an offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II).''.

SEC. 165. JUDICIAL DEPORTATION.

(a) IN GENERAL.—Section 242A (8 U.S.C. 1252a(d)) is amended—

(1) by redesignating subsection (d) as subsection (c); and

(2) in subsection (c), as redesignated—

(A) by striking paragraph (1) and inserting the following:

''(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien—

''(A) whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony);

''(B) who has at any time been convicted of a violation of section 276 (a) or (b) (relating to reentry of a deported alien);

''(C) who has at any time been convicted of a violation of section 275 (relating to entry of an alien at an improper time or place and to misrepresentation and concealment of facts); or

''(D) who is otherwise deportable pursuant to any of the paragraphs (1) through (5) of section 241(a).

A United States Magistrate shall have jurisdiction to enter a judicial order of deportation at the time of sentencing where the alien has been convicted of a misdemeanor offense and the alien is deportable under this Act.''; and

(B) by adding at the end the following new paragraphs:

''(5) STATE COURT FINDING OF DEPORTABILITY.—(A) On motion of the prosecution or on the court's own motion, any State court with jurisdiction to enter judgments in criminal cases is authorized to make a finding that the defendant is deportable as a specially deportable criminal alien (as defined in section 242(k)).

''(B) The finding of deportability under subparagraph (A), when incorporated in a final judgment of conviction, shall for all purposes be conclusive on the alien and may not be reexamined by any agency or court, whether by habeas corpus or otherwise. The court shall notify the Attorney General of any finding of deportability.

''(6) STIPULATED JUDICIAL ORDER OF DEPORTATION.—The United States Attorney, with the concurrence of the Commissioner, may, pursuant to Federal Rule of Criminal Procedure 11, enter into a plea agreement which calls for the alien, who is deportable under this Act, to waive the right to notice and a hearing under this section, and stipulate to the entry of a judicial order of deportation from the United States as a condition of the plea agreement or as a condition of probation or supervised release, or both. The United States District Court, in both felony and misdemeanor cases, and the United States Magistrate Court in misdemeanors cases, may accept such a stipulation and shall have jurisdiction to enter a judicial order of deportation pursuant to the terms of such stipulation.''.

(b) CONFORMING AMENDMENTS.—(1) Section 512 of the Immigration Act of 1990 is amended by striking ''242A(d)'' and inserting ''242A(c)''.

(2) Section 130007(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) is amended by striking ''242A(d)'' and inserting ''242A(c)''.

SEC. 166. STIPULATED EXCLUSION OR DEPORTATION.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended by adding at the end the following new subsection:

''(f) The Attorney General shall provide by regulation for the entry by a special inquiry officer of an order of exclusion and deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's excludability and deportability from the United States.''.

(b) APPREHENSION AND DEPORTATION.—Section 242 (8 U.S.C. 1252) is amended in subsection (b)—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting ''(1)'' immediately after ''(b)'';

(3) by striking the sentence beginning with ''Except as provided in section 242A(d)'' and inserting the following:

''(2) The Attorney General shall further provide by regulation for the entry by a special inquiry officer of an order of deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's deportability from the United States.

''(3) The procedures prescribed in this subsection and in section 242A(c) shall be the sole and exclusive procedures for determining the deportability of an alien.''; and

(4) by redesignating the tenth sentence as paragraph (4); and

(5) by redesignating the eleventh and twelfth sentences as paragraph (5).

(c) CONFORMING AMENDMENTS.—(1) Section 106(a) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(2) Section 212(a)(6)(B)(iv) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(3) Section 242(a)(1) is amended by striking ''subsection (b)'' and inserting ''subsection (b)(1)''.

(4) Section 242A(b)(1) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(5) Section 242A(c)(2)(D)(ii), as redesignated by section 165 of this Act, is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(6) Section 4113(a) of title 18, United States Code, is amended by striking ''section 1252(b)'' and inserting ''section 1252(b)(1)''.

(7) Section 1821(e) of title 28, United States Code, is amended by striking ''section 242(b) of such Act (8 U.S.C. 1252(b))'' and inserting ''section 242(b)(1) of such Act (8 U.S.C. 1252(b)(1))''.

(8) Section 242B(c)(1) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

(9) Section 242B(e)(2)(A) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

(10) Section 242B(e)(5)(A) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

SEC. 167. DEPORTATION AS A CONDITION OF PROBATION.

Section 3563(b) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(23) be ordered deported by a United States District Court, or United States Magistrate Court, pursuant to a stipulation entered into by the defendant and the United States under section 242A(c) of the Immigration and Nationality Act (8 U.S.C. 1252a(c)), except that, in the absence of a stipulation, the United States District Court or the United States Magistrate Court, may order deportation as a condition of probation, if, after notice and hearing pursuant to section 242A(c) of the Immigration and Nationality Act, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable.''.

SEC. 168. ANNUAL REPORT ON CRIMINAL ALIENS.

Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

(2) the number of illegal aliens convicted for felonies in any Federal or State court, but not sentenced to incarceration, in the year before the report was submitted, stating the number convicted for each type of offense;

(3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to exclusion or deportation; and

(4) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 169. UNDERCOVER INVESTIGATION AUTHORITY.

(a) AUTHORITIES.—(1) In order to conduct any undercover investigative operation of the Immigration and Naturalization Service which is necessary for the detection and prosecution of crimes against the United States, the Service is authorized—

(A) to lease space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 1341), section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading ''Miscellaneous'' of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 3324), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(B) to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 9102);

(C) to deposit funds, including the proceeds from such undercover operation, in banks or other financial institutions without regard to the provisions of section 648 of title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 3302); and

(D) to use the proceeds from such undercover operations to offset necessary and reasonable expenses incurred in such operations without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 3302).

(2) The authorization set forth in paragraph (1) may be exercised only upon written certification of the Commissioner of the Immigration and Naturalization Service, in consultation with the Deputy Attorney General, that any action authorized by paragraph (1) (A), (B), (C), or (D) is necessary for the conduct of such undercover operation.

(b) UNUSED FUNDS.—As soon as practicable after the proceeds from an undercover investigative operation, carried out under paragraph (1) (C) or (D) of subsection (a), are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) REPORT.—If a corporation or business entity established or acquired as part of an undercover operation under subsection (a)(1)(B) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Immigration and Naturalization Service, as much in advance as the Commissioner or his or her designee determine practicable, shall report the circumstances to the Attorney General, the Director of the Office of Management and Budget, and the Comptroller General of the United States. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) AUDITS.—The Immigration and Naturalization Service shall conduct detailed financial audits of closed undercover operations on a quarterly basis and shall report the results of the audits in writing to the Deputy Attorney General.

SEC. 170. PRISONER TRANSFER TREATIES.

(a) NEGOTIATIONS WITH OTHER COUNTRIES.—(1) Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of enactment of this Act, bilateral prisoner transfer treaties, providing for the incarceration, in the country of the alien's nationality, of any alien who—

(A) is a national of a country that is party to such a treaty; and

(B) has been convicted of a criminal offense under Federal or State law and who—

(i) is not in lawful immigration status in the United States, or

(ii) on the basis of conviction for a criminal offense under Federal or State law, or on any other basis, is subject to deportation under the Immigration and Nationality Act, for the duration of the prison term to which the alien was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such alien pursuant to parole procedures of that country.

(2) In entering into negotiations under paragraph (1), the President may consider providing for appropriate compensation, subject to the availability of appropriations, in cases where the United States is able to independently verify the adequacy of the sites where aliens will be imprisoned and the length of time the alien is actually incarcerated in the foreign country under such a treaty.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the focus of negotiations for such agreements should be—

(A) to expedite the transfer of aliens unlawfully in the United States who are (or are about to be) incarcerated in United States prisons,

(B) to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts,

(C) to eliminate any requirement of prisoner consent to such a transfer, and

(D) to allow the Federal Government or the States to keep their original prison sentences in force so that transferred prisoners who return to the United States prior to the completion of their original United States sentences can be returned to custody for the balance of their prisons sentences;

(2) the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of aliens described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such aliens in the United States; and

(3) no new treaty providing for the transfer of aliens from Federal, State, or local incarceration facilities to a foreign incarceration facility should permit the alien to refuse the transfer.

(c) PRISONER CONSENT.—Notwithstanding any other provision of law, except as required by treaty, the transfer of an alien from a Federal, State, or local incarceration facility under an agreement of the type referred to in subsection (a) shall not require consent of the alien.

(d) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate stating whether each prisoner transfer treaty to which the United States is a party has been effective in the preceding 12 months in bringing about the return of deportable incarcerated aliens to the country of which they are nationals and in ensuring that they serve the balance of their sentences.

(e) TRAINING FOREIGN LAW ENFORCEMENT PERSONNEL.—(1) Subject to paragraph (2), the President shall direct the Border Patrol Academy and the Customs Service Academy to enroll for training an appropriate number of foreign law enforcement personnel, and shall make appointments of foreign law enforcement personnel to such academies, as necessary to further the following United States law enforcement goals:

(A) prevention of drug smuggling and other cross-border criminal activity;

(B) preventing illegal immigration; and

(C) preventing the illegal entry of goods into the United States (including goods the sale of which is illegal in the United States, the entry of which would cause a quota to be exceeded, or which have not paid the appropriate duty or tariff).

(2) The appointments described in paragraph (1) shall be made only to the extent there is capacity in such academies beyond what is required to train United States citizens needed in the Border Patrol and Customs Service, and only of personnel from a country with which the prisoner transfer treaty has been stated to be effective in the most recent report referred to in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 170A. PRISONER TRANSFER TREATIES STUDY.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the prisoner transfer treaties with the three countries with the greatest number of their nationals incarcerated in the United States in removing from the United States such incarcerated nationals.

(b) USE OF TREATY.—The report under subsection (a) shall include—

(1) the number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the treaties;

(2) the number of aliens described in paragraph (1) who have been transferred pursuant to the treaties;

(3) the number of aliens described in paragraph (2) who have been incarcerated in full compliance with the treaties;

(4) the number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the treaties; and

(5) the number of aliens described in paragraph (4) who are incarcerated in Federal, State, and local penal institutions in the United States.

(c) RECOMMENDATIONS.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the treaties. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address—

(1) changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed criminal offenses in the United States;

(2) changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States;

(3) changes in the treaties that may be necessary to increase the number of aliens convicted of criminal offenses who may be transferred pursuant to the treaties;

(4) methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the treaties;

(5) any recommendations by appropriate officials of the appropriate government agencies of such countries regarding programs to achieve the goals of, and ensure full compliance with, the treaties;

(6) whether the recommendations under this subsection require the renegotiation of the treaties; and

(7) the additional funds required to implement each recommendation under this subsection.

SEC. 170B. USING ALIEN FOR IMMORAL PURPOSES, FILING REQUIREMENT.

Section 2424 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph of subsection (a)—

(A) by striking ''alien'' each place it appears;

(B) by inserting after ''individual'' the first place it appears the following: '', knowing or in reckless disregard of the fact that the individual is an alien''; and

(C) by striking ''within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic'';

(2) in the second undesignated paragraph of subsection (a)—

(A) by striking ''thirty'' and inserting ''five business''; and

(B) by striking ''within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic,'';

(3) in the text following the third undesignated paragraph of subsection (a), by striking ''two'' and inserting ''10''; and

(4) in subsection (b), before the period at the end of the second sentence, by inserting '', or for enforcement of the provisions of section 274A of the Immigration and Nationality Act''.

SEC. 170C. TECHNICAL CORRECTIONS TO VIOLENT CRIME CONTROL ACT AND TECHNICAL CORRECTIONS ACT.

(a) IN GENERAL.—The second subsection (i) of section 245 (as added by section 130003(c)(1) of the Violent Crime Control and Law Enforcement Act of 1994; Public Law 103–322) is redesignated as subsection (j) of such section.

(b) CONFORMING AMENDMENT.—Section 241(a)(2)(A)(i)(I) (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by striking ''section 245(i)'' and inserting ''section 245(j)''.

(c) DENIAL OF JUDICIAL ORDER.—(1) Section 242A(c)(4), as redesignated by section 165 of this Act, is amended by striking ''without a decision on the merits''.

(2) The amendment made by this subsection shall be effective as if originally included in section 223 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

SEC. 170D. DEMONSTRATION PROJECT FOR IDENTIFICATION OF ILLEGAL ALIENS IN INCARCERATION FACILITY OF ANAHEIM, CALIFORNIA.

(a) AUTHORITY.—The Attorney General is authorized to conduct a project demonstrating the feasibility of identifying illegal aliens among those individuals who are incarcerated in local governmental prison facilities prior to arraignment on criminal charges.

(b) DESCRIPTION OF PROJECT.—The project authorized by subsection (a) shall include the detail to the city of Anaheim, California, of an employee of the Immigration and Naturalization Service having expertise in the identification of illegal aliens for the purpose of training local officials in the identification of such aliens.

(c) TERMINATION.—The authority of this section shall cease to be effective 6 months after the date of the enactment of this Act.

(d) DEFINITION.—As used in this section, the term ''illegal alien'' means an alien in the United States who is not within any of the following classes of aliens:

(1) Aliens lawfully admitted for permanent residence.

(2) Nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act.

(3) Refugees.

(4) Asylees.

(5) Parolees.

(6) Aliens having deportation withheld under section 243(h) of the Immigration and Nationality Act.

(7) Aliens having temporary residence status.

PART 6—MISCELLANEOUS

SEC. 171. IMMIGRATION EMERGENCY PROVISIONS.

(a) REIMBURSEMENT OF FEDERAL AGENCIES FROM IMMIGRATION EMERGENCY FUND.—Section 404(b) (8 U.S.C. 1101 note) is amended—

(1) in paragraph (1)—

(A) after ''paragraph (2)'' by striking ''and'' and inserting a comma,

(B) by striking ''State'' and inserting ''other Federal agencies and States'',

(C) by inserting '', and for the costs associated with repatriation of aliens attempting to enter the United States illegally, whether apprehended within or outside the territorial sea of the United States'' before ''except'', and

(D) by adding at the end the following new sentence: ''The fund may be used for the costs of such repatriations without the requirement for a determination by the President that an immigration emergency exists.''; and

(2) in paragraph (2)(A)—

(A) by inserting ''to Federal agencies providing support to the Department of Justice or'' after ''available''; and

(B) by inserting a comma before ''whenever''.

(b) VESSEL MOVEMENT CONTROLS.—Section 1 of the Act of June 15, 1917 (50 U.S.C. 191) is amended in the first sentence by inserting ''or whenever the Attorney General determines that an actual or anticipated mass migration of aliens en route to or arriving off the coast of the United States presents urgent circumstances requiring an immediate Federal response,'' after ''United States,'' the first place it appears.

(c) DELEGATION OF IMMIGRATION ENFORCEMENT AUTHORITY.—Section 103 (8 U.S.C. 1103) is amended by adding at the end of subsection (a) the following new sentence: ''In the event the Attorney General determines that an actual or imminent mass influx of aliens arriving off the coast of the United States, or near a land border, presents urgent circumstances requiring an immediate Federal response, the Attorney General may authorize any specially designated State or local law enforcement officer, with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving, to perform or exercise any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon officers or employees of the Service.''.

SEC. 172. AUTHORITY TO DETERMINE VISA PROCESSING PROCEDURES.

Section 202(a)(1) (8 U.S.C. 1152(a)(1)) is amended—

(1) by inserting ''(A)'' after ''NONDISCRIMINATION.—''; and

(2) by adding at the end the following:

''(B) Nothing in this paragraph shall be construed to limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications or the locations where such applications will be processed.''.

SEC. 173. JOINT STUDY OF AUTOMATED DATA COLLECTION.

(a) STUDY.—The Attorney General, together with the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, and appropriate representatives of the air transport industry, shall jointly undertake a study to develop a plan for making the transition to automated data collection at ports of entry.

(b) REPORT.—Nine months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the outcome of this joint initiative, noting specific areas of agreement and disagreement, and recommending further steps to be taken, including any suggestions for legislation.

SEC. 174. AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

Not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

SEC. 175. USE OF LEGALIZATION AND SPECIAL AGRICULTURAL WORKER INFORMATION.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) is amended by striking ''except that the Attorney General'' and inserting the following: ''except that the Attorney General shall provide

information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime) and''.

(b) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6)(C) (8 U.S.C. 1160(b)(6)(C)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a comma; and

(2) by adding in full measure margin after subparagraph (C) the following:

''except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).''.

SEC. 176. RESCISSION OF LAWFUL PERMANENT RESIDENT STATUS.

Section 246(a) (8 U.S.C. 1256(a)) is amended—

(1) by inserting ''(1)'' immediately after ''(a)''; and

(2) by adding at the end the following new sentence: ''Nothing in this subsection requires the Attorney General to rescind the alien's status prior to commencement of procedures to deport the alien under section 242 or 242A, and an order of deportation issued by a special inquiry officer shall be sufficient to rescind the alien's status.''.

SEC. 177. COMMUNICATION BETWEEN FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES, AND THE IMMIGRATION AND NATURALIZATION SERVICE.

Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity shall prohibit, or in any way restrict, any government entity or any official within its jurisdiction from sending to, or receiving from, the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of any person.

SEC. 178. AUTHORITY TO USE VOLUNTEERS.

(a) ACCEPTANCE OF DONATED SERVICES.—Notwithstanding any other provision of law, but subject to subsection (b), the Attorney General may accept, administer, and utilize gifts of services from any person for the purpose of providing administrative assistance to the Immigration and Naturalization Service in administering programs relating to naturalization, adjudications at ports of entry, and removal of criminal aliens. Nothing in this section requires the Attorney General to accept the services of any person.

(b) LIMITATION.—Such person may not administer or score tests and may not adjudicate.

SEC. 179. AUTHORITY TO ACQUIRE FEDERAL EQUIPMENT FOR BORDER.

In order to facilitate or improve the detection, interdiction, and reduction by the Immigration and Naturalization Service of illegal immigration into the United States, the Attorney General is authorized to acquire and utilize any Federal equipment (including, but not limited to, fixed-wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer to the Department of Justice by any other agency of the Federal Government upon request of the Attorney General.

SEC. 180. LIMITATION ON LEGALIZATION LITIGATION.

(a) LIMITATION ON COURT JURISDICTION.—Section 245A(f)(4) is amended by adding at the end the following new subparagraph:

''(C) JURISDICTION OF COURTS.—Notwithstanding any other provision of law, no court shall have jurisdiction of any cause of action or claim by or on behalf of any person asserting an interest under this section unless such person in fact filed an application under this section within the period specified by subsection (a)(1), or attempted to file a complete application and application fee with an authorized legalization officer of the Immigration and Naturalization Service but had the application and fee refused by that officer.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if originally included in section 201 of the Immigration Control and Financial Responsibility Act of 1986.

SEC. 181. LIMITATION ON ADJUSTMENT OF STATUS.

Section 245(c) (8 U.S.C. 1255(c)) is amended—

(1) by striking ''or (5)'' and inserting ''(5)''; and

(2) by inserting before the period at the end the following: ''; (6) any alien who seeks adjustment of status as an employment-based immigrant and is not in a lawful nonimmigrant status; or (7) any alien who was employed while the alien was an unauthorized alien, as defined in section 274A(h)(3), or who has otherwise violated the terms of a nonimmigrant visa''.

SEC. 182. REPORT ON DETENTION SPACE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit a report to the Congress estimating the amount of detention space that would be required on the date of enactment of this Act, in 5 years, and in 10 years, under various policies on the detention of aliens, including but not limited to—

(1) detaining all excludable or deportable aliens who may lawfully be detained;

(2) detaining all excludable or deportable aliens who previously have been excluded, been deported, departed while an order of exclusion or deportation was outstanding, voluntarily departed under section 244, or voluntarily returned after being apprehended while violating an immigration law of the United States; and

(3) the current policy.

(b) ESTIMATE OF NUMBER OF ALIENS RELEASED INTO THE COMMUNITY.—Such report shall also estimate the number of excludable or deportable aliens who have been released into the community in each of the 3 years prior to the date of enactment of this Act under circumstances that the Attorney General believes justified detention (for example, a significant probability that the released alien would not appear, as agreed, at subsequent exclusion or deportation proceedings), but a lack of detention facilities required release.

SEC. 183. COMPENSATION OF IMMIGRATION JUDGES.

(a) COMPENSATION.—

(1) IN GENERAL.—There shall be four levels of pay for special inquiry officers of the Department of Justice (in this section referred to as ''immigration judges'') under the Immigration Judge Schedule (designated as IJ–1, IJ–2, IJ–3, and IJ–4, respectively), and each such judge shall be paid at one of those levels, in accordance with the provisions of this subsection.

(2) RATES OF PAY.—(A) The rates of basic pay for the levels established under paragraph (1) shall be as follows:

IJ–1	70 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–2	80 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–3	90 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–4	92 percent of the next to highest rate of basic pay for the Senior Executive Service.

(B) Locality pay, where applicable, shall be calculated into the basic pay for immigration judges.

(3) APPOINTMENT.—(A) Upon appointment, an immigration judge shall be paid at IJ–1, and shall be advanced to IJ–2 upon completion of 104 weeks of service, to IJ–3 upon completion of 104 weeks of service in the next lower rate, and to IJ–4 upon completion of 52 weeks of service in the next lower rate.

(B) The Attorney General may provide for appointment of an immigration judge at an advanced rate under such circumstances as the Attorney General may determine appropriate.

(4) TRANSITION.—Judges serving on the Immigration Court as of the effective date of this subsection shall be paid at the rate that corresponds to the amount of time, as provided under paragraph (3)(A), that they have served as an immigration judge.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 184. ACCEPTANCE OF STATE SERVICES TO CARRY OUT IMMIGRATION ENFORCEMENT.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following:

''(g)(1) Notwithstanding section 1342 of title 31, United States Code, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the arrest or detention of aliens in the United States, may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.

''(2) An agreement under this subsection shall require that an officer or employee of a State or political subdivision of a State performing a function under the agreement shall have knowledge of, and adhere to, Federal law relating to the function, and shall contain a written certification that the officers or employees performing the function under the agreement have received adequate training regarding the enforcement of relevant Federal immigration laws.

''(3) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State shall be subject to the direction and supervision of the Attorney General.

''(4) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State may use Federal property or facilities, as provided in a written agreement between the Attorney General and the State or subdivision.

''(5) With respect to each officer or employee of a State or political subdivision who is authorized to perform a function under this subsection, the specific powers and duties that may be, or are required to be, exercised or performed by the individual, the duration of the authority of the individual, and the position of the agency of the Attorney General who is required to supervise and direct the individual, shall be set forth in a

written agreement between the Attorney General and the State or political subdivision.

''(6) The Attorney General may not accept a service under this subsection if the service will be used to displace any Federal employee.

''(7) Except as provided in paragraph (8), an officer or employee of a State or political subdivision of a State performing functions under this subsection shall not be treated as a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, (relating to compensation for injury) and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

''(8) An officer or employee of a State or political subdivision of a State acting under color of authority under this subsection, or any agreement entered into under this subsection, shall be considered to be acting under color of Federal authority for purposes of determining the liability, and immunity from suit, of the officer or employee in a civil action brought under Federal or State law.

''(9) Nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General under this subsection.

''(10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State—

''(A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States; or

''(B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.''.

SEC. 185. ALIEN WITNESS COOPERATION.

Section 214(j)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(j)(1)) (relating to numerical limitations on the number of aliens that may be provided visas as nonimmigrants under section 101(a)(15)(5)(ii) of such Act) is amended—

(1) by striking ''100'' and inserting ''200''; and

(2) by striking ''25'' and inserting ''50''.

Subtitle B—Other Control Measures

PART 1—PAROLE AUTHORITY

SEC. 191. USABLE ONLY ON A CASE-BY-CASE BASIS FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT.

Section 212(d)(5)(A) (8 U.S.C. 1182(d)(5)) is amended by striking ''for emergent reasons or for reasons deemed strictly in the public interest'' and inserting ''on a case-by-case basis for urgent humanitarian reasons or significant public benefit''.

SEC. 192. INCLUSION IN WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.

(a) IN GENERAL.—Section 201(c) (8 U.S.C. 1151(c)) is amended—

(1) by amending paragraph (1)(A)(ii) to read as follows:

''(ii) the sum of the number computed under paragraph (2) and the number computed under paragraph (4), plus''; and

(2) by adding at the end the following new paragraphs:

''(4) The number computed under this paragraph for a fiscal year is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

''(5) If any alien described in paragraph (4) is subsequently admitted as an alien lawfully admitted for permanent residence, such alien shall not again be considered for purposes of paragraph (1).''.

(b) INCLUSION OF PAROLED ALIENS.—Section 202 (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

''(f)(1) For purposes of subsection (a)(2), an immigrant visa shall be considered to have been made available in a fiscal year to any alien who is not an alien lawfully admitted for permanent residence but who was paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

''(2) If any alien described in paragraph (1) is subsequently admitted as an alien lawfully admitted for permanent residence, an immigrant visa shall not again be considered to have been made available for purposes of subsection (a)(2).''.

PART 2—ASYLUM

SEC. 193. LIMITATIONS ON ASYLUM APPLICATIONS BY ALIENS USING DOCUMENTS FRAUDULENTLY OR BY EXCLUDABLE ALIENS APPREHENDED AT SEA; USE OF SPECIAL EXCLUSION PROCEDURES.

Section 208 (8 U.S.C. 1158) is amended by striking subsection (e) and inserting the following:

''(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was necessary to depart from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution, and the alien traveled from such country directly to the United States.

''(2) Notwithstanding subsection (a), an alien who boards a common carrier for the purpose of coming to the United States through the presentation of any document which relates or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such document was necessary to depart from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution, and the alien traveled from such country directly to the United States.

''(3) Notwithstanding subsection (a), an alien described in section 235(d)(3) may not apply for or be granted asylum, unless the alien traveled directly from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution.

''(4) Notwithstanding paragraph (1), (2), or (3), the Attorney General may, under extraordinary circumstances, permit an alien described in any such paragraph to apply for asylum.

''(5)(A) When an immigration officer has determined that an alien has sought entry under either of the circumstances described in paragraph (1) or (2), or is an alien described in section 235(d)(3), or is otherwise an alien subject to the special exclusion procedure of section 235(e), and the alien has indicated a desire to apply for asylum or for withholding of deportation under section 243(h), the immigration officer shall refer the matter to an asylum officer.

''(B) Such asylum officer shall interview the alien, in person or by video conference, to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from—

''(i) the country of such alien's nationality or, in the case of a person having no nationality, the country in which such alien last habitually resided, and

''(ii) in the case of an alien seeking asylum who has sought entry under either of the circumstances described in paragraph (1) or (2), or who is described in section 235(d)(3), the country in which the alien was last present prior to attempting entry into the United States.

''(C) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in subparagraph (B), the alien may be specially excluded and deported in accordance with section 235(e).

''(D) The Attorney General shall provide by regulation for the prompt supervisory review of a determination under subparagraph (C) that an alien physically present in the United States does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in subparagraph (B).

''(E) The Attorney General shall provide information concerning the procedure described in this paragraph to persons who may be eligible. An alien who is eligible for such procedure pursuant to subparagraph (A) may consult with a person or persons of the alien's choosing prior to the procedure or any review thereof, in accordance with regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

''(6) An alien who has been determined under the procedure described in paragraph (5) to have a credible fear of persecution shall be taken before a special inquiry officer for a hearing in accordance with section 236.

''(7) As used in this subsection, the term 'asylum officer' means an immigration officer who—

''(A) has had professional training in country conditions, asylum law, and interview techniques; and

''(B) is supervised by an officer who meets the condition in subparagraph (A).

''(8) As used in this section, the term 'credible fear of persecution' means that—

''(A) there is a substantial likelihood that the statements made by the alien in support of the alien's claim are true; and

''(B) there is a significant possibility, in light of such statements and of country conditions, that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).''.

SEC. 194. TIME LIMITATION ON ASYLUM CLAIMS.

Section 208(a) (8 U.S.C. 1158(a)) is amended—

(1) by striking ''The'' and inserting the following: ''(1) Except as provided in paragraph (2), the''; and

(2) by adding at the end the following:

''(2)(A) An application for asylum filed for the first time during an exclusion or deportation proceeding shall not be considered if the proceeding was commenced more than one year after the alien's entry or admission into the United States.

''(B) An application for asylum may be considered, notwithstanding subparagraph (A), if the applicant shows good cause for not having filed within the specified period of time.''.

SEC. 195. LIMITATION ON WORK AUTHORIZATION FOR ASYLUM APPLICANTS.

Section 208 (8 U.S.C. 1158), as amended by this Act, is further amended by adding at the end the following new subsection:

''(f)(1) An applicant for asylum may not engage in employment in the United States unless such applicant has submitted an application for employment authorization to the Attorney General and, subject to paragraph (2), the Attorney General has granted such authorization.

''(2) The Attorney General may deny any application for, or suspend or place conditions on any grant of, authorization for any applicant for asylum to engage in employment in the United States.''.

SEC. 196. INCREASED RESOURCES FOR REDUCING ASYLUM APPLICATION BACKLOGS.

(a) PURPOSE AND PERIOD OF AUTHORIZATION.—For the purpose of reducing the number of applications pending under sections 208 and 243(h) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1253) as of the date of the enactment of this Act, the Attorney General shall have the authority described in subsections (b) and (c) for a period of two years, beginning 90 days after the date of the enactment of this Act.

(b) PROCEDURES FOR PROPERTY ACQUISITION ON LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend out of funds made available to the Department of Justice for the administration of the Immigration and Nationality Act such amounts as may be necessary for the leasing or acquisition of property to carry out the purpose described in subsection (a).

(c) USE OF FEDERAL RETIREES.—(1) In order to carry out the purpose described in subsection (a), the Attorney General may employ temporarily not more than 300 persons who, by reason of retirement on or before January 1, 1993, are receiving—

(A) annuities under the provisions of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

(B) annuities under any other retirement system for employees of the Federal Government; or

(C) retired or retainer pay as retired officers of regular components of the uniformed services.

(2) In the case of a person retired under the provisions of subchapter III of chapter 83 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) the annuity of such person may not be terminated,

(C) payment of the annuity to such person may not be discontinued, and

(D) the annuity of such person may not be recomputed, under section 8344 of such title, by reason of the temporary employment authorized in paragraph (1).

(3) In the case of a person retired under the provisions of chapter 84 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) contributions to the Civil Service Retirement and Disability Fund may not be made, and

(C) the annuity of such person may not be recomputed, under section 8468 of such title, by reason of the temporary employment authorized in paragraph (1).

(4) The retired or retainer pay of a retired officer of a regular component of a uniformed service may not be reduced under section 5532 of title 5, United States Code, by reason of temporary employment authorized in paragraph (1).

(5) The President shall apply the provisions of paragraphs (2) and (3) to persons receiving annuities described in paragraph (1)(B) in the same manner and to the same extent as such provisions apply to persons receiving annuities described in paragraph (1)(A).

PART 3—CUBAN ADJUSTMENT ACT

SEC. 197. REPEAL AND EXCEPTION.

(a) REPEAL.—Subject to subsection (b), Public Law 89–732, as amended, is hereby repealed.

(b) SAVINGS PROVISIONS.—(1) The provisions of such Act shall continue to apply on a case-by-case basis with respect to individuals paroled into the United States pursuant to the Cuban Migration Agreement of 1995.

(2) The individuals obtaining lawful permanent resident status under such provisions in a fiscal year shall be treated as if they were family-sponsored immigrants acquiring the status of aliens lawfully admitted to the United States in such fiscal year for purposes of the world-wide and per-country levels of immigration described in sections 201 and 202 of the Immigration and Nationality Act, except that any individual who previously was included in the number computed under section 201(c)(4) of the Immigration and Nationality Act, as added by section 192 of this Act, or had been counted for purposes of section 202 of the Immigration and Nationality Act, as amended by section 192 of this Act, shall not be so treated.

Subtitle C—Effective Dates

SEC. 198. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this title and subject to subsection (b), this title, and the amendments made by this title, shall take effect on the date of the enactment of this Act.

(b) OTHER EFFECTIVE DATES.—

(1) EFFECTIVE DATES FOR PROVISIONS DEALING WITH DOCUMENT FRAUD; REGULATIONS TO IMPLEMENT.—

(A) IN GENERAL.—The amendments made by sections 131, 132, 141, and 195 shall be effective upon the date of the enactment of this Act and shall apply to aliens who arrive in or seek admission to the United States on or after such date.

(B) REGULATIONS.—Notwithstanding any other provision of law, the Attorney General may issue interim final regulations to implement the provisions of the amendments listed in subparagraph (A) at any time on or after the date of the enactment of this Act, which regulations may become effective upon publication without prior notice or opportunity for public comment.

(2) ALIEN SMUGGLING, EXCLUSION, AND DEPORTATION.—The amendments made by sections 122, 126, 128, 129, 143, and 150(b) shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

TITLE II—FINANCIAL RESPONSIBILITY

Subtitle A—Receipt of Certain Government Benefits

SEC. 201. INELIGIBILITY OF EXCLUDABLE, DEPORTABLE, AND NONIMMIGRANT ALIENS.

(a) PUBLIC ASSISTANCE AND BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an ineligible alien (as defined in subsection (f)(2)) shall not be eligible to receive—

(A) any benefits under a public assistance program (as defined in subsection (f)(3)), except—

(i) emergency medical services under title XIX of the Social Security Act,

(ii) subject to paragraph (4), prenatal and postpartum services under title XIX of the Social Security Act,

(iii) short-term emergency disaster relief,

(iv) assistance or benefits under the National School Lunch Act,

(v) assistance or benefits under the Child Nutrition Act of 1966,

(vi) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vii) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide

such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizen or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) NO REFUND OR REIMBURSEMENT.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term ''eligible alien'' means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) INELIGIBLE ALIEN.—The term ''ineligible alien'' means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term ''public assistance program'' means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term ''government benefits'' includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1251(a)(5)) is amended to read as follows:

''(5) PUBLIC CHARGE.—

''(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, or if the cause of the alien's becoming a public charge—

''(i) arose after entry (in the case of an alien who entered as an immigrant) or after adjustment to lawful permanent resident status (in the case of an alien who entered as a nonimmigrant), and

''(ii) was a physical illness, or physical injury, so serious the alien could not work at any job, or a mental disability that required continuous hospitalization.

''(C) DEFINITIONS.—

''(i) PUBLIC CHARGE PERIOD.—For purposes of subparagraph (A), the term 'public charge period' means the period beginning on the date the alien entered the United States and ending—

''(I) for an alien who entered the United States as an immigrant, 5 years after entry, or

''(II) for an alien who entered the United States as a nonimmigrant, 5 years after the alien adjusted to permanent resident status.

''(ii) PUBLIC CHARGE.—For purposes of subparagraph (A), the term 'public charge' includes any alien who receives benefits under any program described in subparagraph (D) for an aggregate period of more than 12 months.

''(D) PROGRAMS DESCRIBED.—The programs described in this subparagraph are the following:

''(i) The aid to families with dependent children program under title IV of the Social Security Act.

''(ii) The medicaid program under title XIX of the Social Security Act.

''(iii) The food stamp program under the Food Stamp Act of 1977.

''(iv) The supplemental security income program under title XVI of the Social Security Act.

''(v) Any State general assistance program.

''(vi) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) of the Immigration Reform Act of 1996.''.

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of the enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of the enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS.

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to any service or assistance described in section 201(a)(1)(A)(vii).

(e) DEEMING AUTHORITY TO STATE AND LOCAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to exceptions equivalent to the exceptions described in subsection (d), the State or local government may, for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any State or local program of assistance for which eligibility is based on need, or any need-based program of assistance administered by a State or local government (other than a program of assistance provided or funded, in whole or in part, by the Federal Government), require that the income and resources described in subsection (b) be deemed to be the income and resources of such alien.

(2) LENGTH OF DEEMING PERIOD.—Subject to exceptions equivalent to the exceptions described in subsection (d), a State or local government may impose the requirement described in paragraph (1) for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

SEC. 205. VERIFICATION OF STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

(a) REPORT REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Education and the Commissioner of Social Security shall jointly submit to the Congress a report on the computer matching program of the Department of Education under section 484(p) of the Higher Education Act of 1965.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) An assessment by the Secretary and the Commissioner of the effectiveness of the computer matching program, and a justification for such assessment.

(2) The ratio of inaccurate matches under the program to successful matches.

(3) Such other information as the Secretary and the Commissioner jointly consider appropriate.

SEC. 206. AUTHORITY OF STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) LIMITATION.—The authority provided for under subsection (a) may be exercised

only to the extent that any prohibitions, limitations, or restrictions imposed by a State or local government are not more restrictive than the prohibitions, limitations, or restrictions imposed under comparable Federal programs. For purposes of this section, attribution to an alien of a sponsor's income and resources (as described in section 204(b)) for purposes of determining eligibility for, and the amount of, benefits shall be considered less restrictive than a prohibition of eligibility for such benefits.

SEC. 207. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT CITIZENS OR LAWFUL PERMANENT RESIDENTS.

(a) IN GENERAL.—

(1) LIMITATION.—Notwithstanding any other provision of law, an individual may not receive an earned income tax credit for any year in which such individual was not, for the entire year, either a United States citizen or national or a lawful permanent resident.

(2) IDENTIFICATION NUMBER REQUIRED.—Section 32(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

''(F) IDENTIFICATION NUMBER REQUIREMENT.—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

''(i) such individual's taxpayer identification number, and

''(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse.''.

(b) SPECIAL IDENTIFICATION NUMBER.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(k) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act).''.

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) of the Internal Revenue Code of 1986 (relating to the definition of mathematical or clerical errors) is amended—

(1) by striking ''and'' at the end of subparagraph (D),

(2) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) an unintended omission of a correct taxpayer identification number required under section 32 (relating to the earned income tax credit) to be included on a return.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 208. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

''§ 506. Seals of departments or agencies

''(a) Whoever—

''(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

''(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

''(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered,

shall be fined under this title, or imprisoned not more than 5 years, or both.

''(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

''(1) so forged, counterfeited, mutilated, or altered;

''(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

''(3) with fraudulent intent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an unlawful alien's application for, or receipt of, a Federal benefit, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

''(c) For purposes of this section—

''(1) the term 'Federal benefit' means—

''(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by any agency of the United States or by appropriated funds of the United States; and

''(B) any retirement, welfare, Social Security, health (including treatment of an emergency medical condition in accordance with section 1903(v) of the Social Security Act (19 U.S.C. 1396b(v))), disability, veterans, public housing, education, food stamps, or unemployment benefit, or any similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States;

''(2) the term 'unlawful alien' means an individual who is not—

''(A) a United States citizen or national;

''(B) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act;

''(C) an alien granted asylum under section 208 of such Act;

''(D) a refugee admitted under section 207 of such Act;

''(E) an alien whose deportation has been withheld under section 243(h) of such Act; or

''(F) an alien paroled into the United States under section 215(d)(5) of such Act for a period of at least 1 year; and

''(3) each instance of forgery, counterfeiting, mutilation, or alteration shall constitute a separate offense under this section.''.

SEC. 209. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking ''and'' at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting ''; and''; and

(3) by adding after paragraph (62) the following new paragraph:

''(63) in the case of a State that is certified by the Attorney General as a high illegal immigration State (as determined by the Attorney General), at the election of the State, establish and operate a program for the placement of anti-fraud investigators in State, county, and private hospitals located in the State to verify the immigration status and income eligibility of applicants for medical assistance under the State plan prior to the furnishing of medical assistance.''.

(b) PAYMENT.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) by striking ''plus'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; plus''; and

(3) by adding at the end the following new paragraph:

''(8) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter which is attributable to operating a program under section 1902(a)(63).''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first calendar quarter beginning after the date of the enactment of this Act.

SEC. 210. COMPUTATION OF TARGETED ASSISTANCE.

Section 412(c)(2) (8 U.S.C. 1522(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) Except for the Targeted Assistance Ten Percent Discretionary Program, all grants made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not earlier than 60 months before the beginning of such fiscal year.''.

Subtitle B—Miscellaneous Provisions

SEC. 211. REIMBURSEMENT OF STATES AND LOCALITIES FOR EMERGENCY MEDICAL ASSISTANCE FOR CERTAIN ILLEGAL ALIENS.

(a) REIMBURSEMENT.—The Attorney General shall, subject to the availability of appropriations, fully reimburse the States and political subdivisions of the States for costs incurred by the States and political subdivisions for emergency ambulance service provided to any alien who—

(1) entered the United States without inspection or at any time or place other than as designated by the Attorney General;

(2) is under the custody of a State or a political subdivision of a State as a result of transfer or other action by Federal authorities; and

(3) is being treated for an injury suffered while crossing the international border between the United States and Mexico or between the United States and Canada.

(b) STATUTORY CONSTRUCTION.—Nothing in this section requires that the alien be arrested by Federal authorities before entering into the custody of the State or political subdivision.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out the provisions of this section.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed to prevent the Attorney General from seeking reimbursement from an alien described in subsection (a) for the costs of the emergency medical services provided to the alien.

SEC. 212. TREATMENT OF EXPENSES SUBJECT TO EMERGENCY MEDICAL SERVICES EXCEPTION.

(a) IN GENERAL.—Subject to such amounts as are provided in advance in appropriation Acts, each State or local government that provides emergency medical services through a public hospital, other public facility, or other facility (including a hospital that is eligible for an additional payment adjustment under section 1886(d)(5)(F) or section 1923 of the Social Security Act), or through contract with another hospital or facility, to an individual who is an alien not lawfully present in the United States, is entitled to receive payment from the Federal Government for its costs of providing such services, but only to the extent that the costs of the State or local government are not fully reimbursed through any other Federal program and cannot be recovered from the alien or other entity.

(b) CONFIRMATION OF IMMIGRATION STATUS.—No payment shall be made under this section with respect to services furnished to aliens described in subsection (a) unless the State or local government establishes that it has provided services to such aliens in accordance with procedures established by the Secretary of Health and Human Services, after consultation with the Attorney General and State and local officials.

(c) ADMINISTRATION.—This section shall be administered by the Attorney General, in consultation with the Secretary of Health and Human Services.

(d) EFFECTIVE DATE.—This section shall not apply to emergency medical services furnished before October 1, 1995.

SEC. 213. PILOT PROGRAMS.

(a) ADDITIONAL COMMUTER BORDER CROSSING FEES PILOT PROJECTS.—In addition to the land border fee pilot projects extended by the fourth proviso under the heading '' Immigration and Naturalization Service, Salaries and Expenses'' of Public Law 103–121, the Attorney General may establish another such pilot project on the northern land border and another such pilot project on the southern land border of the United States.

(b) AUTOMATED PERMIT PILOT PROJECTS.—The Attorney General and the Commissioner of Customs are authorized to conduct pilot projects to demonstrate—

(1) the feasibility of expanding port of entry hours at designated ports of entry on the United States-Canada border; or

(2) the use of designated ports of entry after working hours through the use of card reading machines or other appropriate technology.

SEC. 214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i) by striking ''academic high school, elementary school, or other academic institution or in a language training program'' and inserting in lieu thereof ''public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program''; and

(2) by inserting before the semicolon at the end of clause (ii) the following: '': *Provided,* That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.'';

(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

''(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement) is excludable''; and

(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable''.

This section shall become effective 1 day after the date of enactment.

SEC. 215. PILOT PROGRAM TO COLLECT INFORMATION RELATION TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(C) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney General and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15)(F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting ''(a)'' after ''**SEC. 281.**''; and

(B) by adding at the end the following:

''(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

''(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively.''

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase ''approved colleges and universities'' means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

SEC. 216. FALSE CLAIMS OF U.S. CITIZENSHIP.

(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

''(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.''

(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable''.

''SEC. 217. VOTING BY ALIENS.

(a) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Title 18, United States Code, is amended by adding the following new section:

''§ 611. Voting by aliens

''(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—

''(1) the election is held partly for some other purpose;

''(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

''(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.''

''(b) Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than one year or both'';

(b) EXCLUSION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 212(a)(8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

''(9) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is excludable.''

(c) DEPORTATION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable''.

SEC. 218 EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

''(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

''(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

''(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

''(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

''(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.''.

(b) DEFINITIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

''(47) The term 'crime of domestic violence' means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

''(48) The term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.''.

(c) This section will become effective one day after the date of enactment of the act.

Subtitle C—Effective Dates

SEC. 221. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b) or as otherwise provided in this title, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) BENEFITS.—The provisions of section 201 and 204 shall apply to benefits and to applications for benefits received on or after 1 day after the date of the enactment of this Act.

LOTT AMENDMENT NO. 3745

Mr. LOTT proposed an amendment to the motion to recommit proposed by Mr. DOLE to the bill S. 1664, supra; as follows:

Add at the end of the instructions the following: ''that the following amendment be reported back forthwith''.

Add the following new subsection to section 182 of the bill:

(c) STATEMENT OF AMOUNT OF DETENTION SPACE IN PRIOR YEARS.—Such report shall also state the amount of detention space available in each of the 10 years prior to the enactment of this Act.

DOLE AMENDMENT NO. 3746

Mr. DOLE proposed an amendment to amendment No. 3745 proposed by Mr. LOTT to the bill S. 1664, supra; as follows:

At the end of the amendment add the following:

Section 178 of the bill is amended by adding the following new subsection:

(c) EFFECTIVE DATE.—This section shall take effect 30 days after the effective date of this Act.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing to discuss how the Commodity Futures Trading Commission oversees markets in times of volatile prices and tight supplies. The hearing will be held on Wednesday, May 15, at 9:30 a.m. in SR–332.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet at 9:30 a.m., during the Thursday, April 25, 1996, session of the Senate for the purpose of conducting a hearing on Air Service to Small Cities and Rural Communities.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 25, 1996, at 2:00 p.m. to hold a business meeting.

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

COMMITTEE ON THE JUDICIARY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 25, 1996, at 10:00 a.m. to hold an executive business meeting.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to conduct a joint hearing on Thursday, April 25, 1996 with the Subcommittee on Native American and Insular Affairs of the House Committee on Natural Resources on S. 1264, a bill to provide certain benefits of the Missouri River

Basin Pick-Sloan Project to the Crow Creek Sioux Tribe, and for other purposes. The joint hearing will be held at 9:00 a.m. in room 485 of the Russell Senate Office Building.

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

THE SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Special Committee to investigate Whitewater development and related matters be authorized to meet during the session of the Senate on Thursday, April 25, 1996 to conduct hearings pursuant to Senate Resolution 120.

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

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Caucus on International Narcotics Control be authorized to meet during the session of the Senate on Thursday, April 25 at 19:00 a.m. to receive testimony on the domestic consequences of illegal drug trade.

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

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, April 25, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 902, a bill to amend Public Law 100–479 to authorize the Secretary of the Interior to assist in the construction of a building to be used jointly by the Secretary for park purposes and by the city of Natchez as an intermodal transportation center; S. 951, a bill to commemorate the service of First Ladies Jacqueline Kennedy and Patricia Nixon to improving and maintaining the Executive Residence of the President and to authorize grants to the White House Endowment Fund in their memory to continue their work; S. 1098, a bill to establish the Midway Islands as a National Memorial; H.R. 826, a bill to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas; and H.R. 1163, a bill to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, NY.

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

ADDITIONAL STATEMENTS

INTERGOVERNMENTAL MANDATES

• Mr. MURKOWSKI. Mr. President, pursuant to Public Law 104–4, the Committee on Energy and Natural Resources has requested, and obtained, the opinion of the Congressional Budget Office regarding whether S. 1271, the Nuclear Policy Act of 1996 contains intergovernmental mandates as defined in that act. I ask that the opinion of the Congressional Budget Office be printed in the CONGRESSIONAL RECORD in its entirety.

The opinion follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 18, 1996.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1271, the Nuclear Waste Policy Act of 1996 as ordered reported by the Senate Committee on Energy and Natural Resources on March 13, 1996, in order to determine whether the bill contains intergovernmental mandates. CBO provided federal and private sector mandates cost estimates for this bill on March 28, 1996. CBO is unsure whether the bill contains intergovernmental mandates, as defined in Public Law 104–4, but we estimate that if there are mandates, they would impose costs on state, local and tribal governments totaling significantly less than the $50 million threshold established in the law.

S. 1271 would amend the Nuclear Waste Policy Act by directing the Department of Energy (DOE) to:

Begin storing spent nuclear fuel and high-level nuclear waste at an interim storage facility in Nevada, no later than November 30, 1999;

Establish an intermodal transfer facility at Caliente, Nevada, by November 30, 1999, to transfer material from rail facilities to heavy-haul trucks for transport to the interim storage facility;

Enter into a benefits agreement with Lincoln County, Nevada (the site of the transfer facility), and make payments to the county under that agreement as specified in the bill; and

Continue site characterization activities at the proposed permanent repository site at Yucca Mountain, also in Nevada.

In addition, the bill would authorize the appropriation of such sums as are necessary to establish a pilot program to decommission and decontaminate an experimental reactor owned by the University of Arkansas.

While S. 1271 would, by itself, establish no new enforceable duties on state, local, or tribal governments, it is possible that the construction and operation of an interim storage facility as required by the bill would increase the cost to the state of complying with existing federal requirements. CBO has not yet determined whether these costs would be considered the direct costs of a mandate for the purposes of Public Law 104–4.

Interim Storage Facility.—The state of Nevada and its constituent local governments would incur additional costs as a result of the interim storage facility required by this bill. CBO expects that state spending would increase by as much as $20 million per year until shipments to the facility begin in 1999 and $5 million per year between that time and the time that the permanent facility at Yucca Mountain begins operations. This additional spending would support a number of activities, including emergency response planning and training, escort of waste shipments, and environmental monitoring. In addition, spending by Nevada counties for similar activities would probably increase, but by much smaller amounts. Not all of this spending would be for the purpose of complying with federal requirements.

These costs are similar to those that the state would eventually incur under current law as a result of the permanent repository planned for Yucca Mountain. DOE currently does not expect to begin receiving material at a permanent repository until at least 2010, while under S. 1271 it would begin to receive material at an interim facility in 1999. As a result, the state would have to respond to the shipment and storage of waste at least ten years sooner. Further, state costs would increase because it would have to plan for two facilities.

The state could incur substantial additional costs relating to road construction and maintenance as a result of the shipment of waste by heavy-haul truck from the transfer facility in Caliente to the interim storage facility. Based on information provided by DOE, however, CBO expects that the federal government would pay most of these costs.

Federal Payments to State and Local Government.—S. 1271 would authorize payments to Lincoln County, Nevada, of $2.5 million in each year before waste is shipped to the interim facility and $5 million annually after shipments begin. In addition, the bill identifies several parcels of land that would be conveyed to Lincoln County by the federal government.

The state government and other governments in Nevada would lose payments from the federal government if S. 1271 is enacted, however. The bill would eliminate section 116 of the Nuclear Waste Policy Act, which authorizes payments to the state of Nevada and to local governments within the state. Section 116 currently authorizes DOE to make grants to the state and to affected local governments to enable them to participate in evaluating and developing a site for a permanent repository and to offset any negative impacts of such a site on those governments. Further, that section authorizes DOE to make payments to the state and to local governments equal to amounts they would have received in taxes if all activities at the repository site were subject to state and local taxes.

In recent years, Congress has appropriated amounts ranging from $12 million to $15 million per year under this section for Nevada and for local governments in the state. No funds have been specifically appropriated for these grants in fiscal year 1996, but DOE is authorized to provide funds from other appropriations.

S. 1271 would continue the provision in current law that directs DOE to provide technical assistance and funds to state and local governments and Indian tribes through whose jurisdictions radioactive material would be transported. This assistance would primarily cover training of public safety officials. In addition, DOE would be required to conduct a program of public education in those states. The amount of costs reimbursable under these provisions is very uncertain and would depend largely on the routes selected by DOE for transport of material to the storage sites. Based on information provided by state officials, we believe that states would be unlikely to spend their own funds on these activities unless reimbursed by the federal government.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, DIRECTOR.•

THE LINE-ITEM VETO

• Mr. DORGAN. Mr. President, 2 weeks ago President Clinton signed the line item veto into law. I would just like to

explain briefly why I voted for this bill during the Senate's debate in March.

I have long believed that giving the President line-item veto authority will be helpful in imposing budget discipline. I think it will be helpful in preventing unsupportable spending projects from being added to spending bills without public notice, debate, or hearings. I have voted for the line-item veto three times in the past three Congresses. So I am delighted that the Senate finally had a chance to vote on the conference report.

LINE-ITEM VETO SEES THE LIGHT OF DAY

I was especially pleased, Mr. President, because I had been in some suspense as to whether the line-item veto bill would emerge at all from the Senate's conference with the House. It was on March 23, 1995 that the Senate passed our line-item veto bill. The House took so long that I had to offer an amendment to urge the Speaker to agree to the Senate's invitation to a conference. When the House passed its bill, the budget debates slowed down the conference. There were weeks when I questioned whether we would be able to send the line-item veto to the President at all.

Once the line-item veto did emerge from conference, a full year after the Senate passed its version, I could not help wondering whether the timing was an attempt by the majority to avoid giving President Clinton the line-item veto this year. The veto law will take effect only in January 1997, long after this Congress should complete its budget work. Since I voted to give Presidents Reagan and Bush the line-item veto, I regret that President Clinton will gain the line-item veto power only after this year's heavy legislative lifting is done.

Having gotten my disappointment about the bill's timing off my chest, Mr. President, let me go on to discuss my views on the conference report.

LINE-ITEM VETO A SENSIBLE REFORM

Let there be no mistake about the line-item veto. It is a historic budget reform. It would enable the President to veto spending projects. That power is important because Congress has a bad habit of spending money on projects that we have not reviewed in committee hearings or permitted in authorization bills.

The line-item veto law would also enable vetos of new entitlement spending and targeted tax benefits. This is crucial because entitlements are the fastest-growing portion of the Federal budget. Lastly, the bill also contains a provision requiring that savings achieved by the line-item veto be devoted solely to deficit reduction. Presidents will use the line-item veto only to save money.

So, Mr. President, I am pleased that we have achieved this bipartisan budget reform. Fully 43 Governors have the line-item veto, which suggests to me that it is a power that the President can safely wield.

The bill will help the President control spending abuses, especially unauthorized projects in appropriations bills. The line-item veto seemed to me to be a sensible reform. That is why I voted for it, and why I am pleased it is now the law of the land.●

NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES WEEK

● Mr. THOMPSON. Mr. President, on February 1 of this year, the Governor of Tennessee, the Honorable Don Sundquist, signed a proclamation stating that this past week, April 17–22, 1995, would be known in Tennessee as National Association of Retired Federal Employees Week.

Last week, on April 19, also marked the first anniversary of the bombing of the Federal building in Oklahoma City. A number of members from the Tennessee chapter to the National Association of Retired Federal Employees faithfully volunteered their time and energy to help the victims and the community in Oklahoma following this tragic event. This spirit of contribution continues to distinguish civil servants, retired and employed.

It gives me great pleasure at this time to request the unanimous consent of my colleagues to have printed in the RECORD a proclamation by the Governor of my State of Tennessee, the Honorable Don Sundquist.

A PROCLAMATION BY THE GOVERNOR OF THE STATE OF TENNESSEE

Whereas, the United States Civil Service Act of 1883 was signed into law by then President Chester A. Arthur, thereby creating the United States Civil Service System; and

Whereas, the United States Civil Service Retirement System was created in 1920 and signed into law by then President Woodrow Wilson; and

Whereas, virtually every state, county, and municipal civil service system has developed from the Civil Service Act; and

Whereas, untold thousands of United States Civil Service employees have worked diligently, patriotically, silently, and with little notice to uphold the highest traditions and ideas of our country; and

Whereas, thousands of Federal employees are retired in Tennessee and continue to devote inestimable time and effort toward the betterment of our communities and state;

Now therefore, I, Don Sundquist, Governor of the State of Tennessee, do hereby proclaim the week of April 14–20, 1996, as National Association of Federal Employees Week in Tennessee and do urge all our citizens to join in this worthy observance.●

RETIREMENT OF DR. ROBERT A. ALOST

● Mr. JOHNSTON. Mr. President, I rise today to pay tribute to an outstanding Louisianian, my good friend, Dr. Robert A. Alost, who has announced his retirement as president of Northwestern State University after a long and distinguished career of service to NSU, the city of Natchitoches, and the State of Louisiana.

During his 10-year presidency at NSU, Northwestern has been transformed from a regional university to an institution of statewide prominence. Dr. Alost's tireless efforts to widen and enrich the educational experience of his school have strengthened every aspect of the institution. Student enrollment has increased by over 71 percent and the average ACT score is up, the school's academic curriculum has expanded by leaps and bounds, and its financial status has never been stronger.

While this progress merits commendation, Dr. Alost is even more deserving of recognition because he considers his accomplishments as simply part of his service to his alma mater, to a school he loves, and to a faculty and student body he considers his family. There are three words which come to mind when describing Robert Alost: service, leadership, and innovation. I know that countless other Louisianians would agree with this assessment, for his personal and professional history truly exemplify each of these qualities.

Dr. Alost's dedication to Northwestern State University is rooted in his own experience as a student at NSU, where he received his undergraduate degree is 1957 and a masters degree in 1958. After receiving a doctoral degree from Louisiana State University in 1963, Dr. Alost had a wide range of aspirations, and of all the opportunities available to him, he decided to dedicate his career to the advancement of Northwestern State University. He has risen from a young faculty member to its president, and has left a lasting legacy which will be appreciated for generations.

Under Dr. Alost's watch, the expansion of NSU's research and academic programs have placed it at the forefront of several innovative programs in higher education. Northwestern became America's first university selected to participate in the JointVenture [JOVE] Program with the NASA Marshall Space Flight Center. The results of this project, involving the analysis of data collected in space exploration, will have unlimited applications. Young people from across the United States will benefit from this cutting-edge program, and NSU's new space science curriculum and summer camp program will help support America's future scientists. Dr. Alost oversaw the development of the Louisiana Scholars College, which was designated by the State Board of Regents as the State's selective-admission college of the liberal arts and has elevated NSU's reputation to statewide prominence.

Dr. Alost has overseen many other noteworthy additions to NSU. Northwestern began a program in intercollegiate debate which won the 1994 Cross Examination Debate Association National Championship and has been the top program in the country over the past 5 years. Dr. Alost supervised the establishment of a doctoral program in educational technology to instruct educators on the most effective methods of using technology in the classroom. Northwestern is working with

the nationally recognized Duke University Talent Identification Program, which identifies verbally and mathematically gifted young people, and it offers regional residential courses to these special students. Dr. Alost has also overseen the establishment of Northwestern Abroad, which provides travel-study opportunities to students who wish to expand their knowledge of other cultures.

I had the pleasure of working with Dr. Alost when we brought the National Center for Preservation Technology and Training to NSU, a national institution dedicated to historic preservation. This one-of-a-kind center was established by the National Park Service to train cultural resource professionals and serve as a clearinghouse for the transfer of historic preservation technology across the country. It is the innovate examples I have just cited which have designated Northwestern State University as a premier institution for higher learning.

Dr. Alost's service has also touched those outside of the Northwestern community. Over the years, numerous civic, professional, and religious organizations have flourished under his leadership. He has served as president and on the board of directors of the Natchitoches Tourist Commission. As an administrator and educator, he served as president of the Louisiana Council for Deans of Education, the Louisiana Association for Colleges and Teacher Education, and the Louisiana Association for Health, Physical Education and Recreation.

While Dr. Alost is a great source of pride for Northwestern State University, he has also been honored with many local, State, and national awards. In 1985, he was recognized by the Louisiana Association of School Executives as the State's Educator of the Year. In 1986, he received the Leadership Award from the Louisiana Association of Gifted and Talented Students. The citizens of Natchitoches proclaimed him Man of the Year in 1987. His achievements were heralded on a national level in 1989 when he was presented with the Phi Kappa Phi Distinguished Member Award.

Dr. Robert Alost's lifetime of achievement is truly an inspiration, and he serves as an incredible role model for those who believe that the possibilities are limitless. It has been an honor and a privilege to know him. I congratulate Dr. Alost on his distinguished career and wish him well as he enjoys the well-earned rewards of retirement.●

INDIANAPOLIS MOTOR SPEEDWAY AND THE INDIANAPOLIS 500

● Mr. LUGAR. Mr. President, I rise today as the month of May approaches to pay tribute to an important part of Hoosier heritage, the Indianapolis Motor Speedway and the Indianapolis 500.

The Indianapolis Motor Speedway was built in 1909 to provide a testing ground for Indiana's burgeoning automobile industry. Indiana was home at the time to such names as Duessenburg, Cord, Marmon, Stutz, National, Cole, Auburn, and Apperson.

The first Indianapolis 500 was run in 1911 and races have been run ever since. In 1917, the track backstretch was given over to the military for use as an aviation maintenance training center. It became one of the first lighted runways in the world. Races were canceled during the years 1917, 1918 and 1942–45 out of respect for the war effort. Since those early days, the race has grown to become a rite of spring for millions of Americans, attracting the world's largest 1-day sporting event crowd, as well as an immense broadcast audience.

Indianapolis is the home of the IndyCar racing industry, and the month of May is an especially dynamic time in our State. As race season begins, it is appropriate that we honor this uniquely American event and all those who have made it possible. In particular, we take pride in honoring the memory and vision of Tony Hulman, Jr.; the steadfast service of his wife, Mary Fendrich Hulman; and their daughter, Mari Hulman George; as well as the strong leadership of Indianapolis Motor Speedway president Anton H. George, who personifies the very future of IndyCar racing.●

TRIBUTE TO ADM. JAMES S. RUSSELL

● Mrs. MURRAY. Mr. President, it is with great sadness that I rise today to record the passing of a truly great American, Admiral James S. Russell. Adm. Russell built a remarkable legacy as a distinguished and decorated military officer and a respected civic leader in Washington State.

James Sargent Russell was born on March 22, 1903, in Tacoma, WA, where he spent his childhood. Eager to serve his country in World War I, he attempted to join the U.S. Navy after graduating from high school. Because he was too young, the Navy would not accept his enlistment. Instead, he followed his love of the sea, beginning his maritime career as a seaman in the Merchant Marine.

In 1922, he entered the U.S. Naval Academy, from which he graduated in 1926. This marked the beginning of a long and illustrious tour of duty with the U.S. Navy. After serving aboard the battleship *West Virginia*, he entered the young field of naval aviation, and was designated a Naval Aviator in 1929.

During World War II, then-Lieutenant Commander Russell led Patrol Squadron 42 in the Aleutian Island Campaign. For his heroism and exceptional service, he was awarded the Distinguished Flying Cross, the Air Medal, and the Legion of Merit. After serving in the Office of the Chief of Naval Operations in Washington, DC, he returned to combat duty in the Pacific and was awarded a Gold Star in lieu of a second Legion of Merit.

Following World War II, he assumed the post of commander of the U.S.S. *Coral Sea* and then was chief of the Bureau of Aeronautics, rising to the rank of vice admiral. From 1958 to 1962, he served as Vice Chief of Naval Operations with the four-star rank of Admiral. Because of his exceptionally meritorious efforts in that capacity, he was awarded the Distinguished Service Medal.

In 1962, Admiral Russell was named commander in chief of the Allied Forces in Southern Europe, a position he held until his retirement from active duty in 1965. His leadership during a time of heightened tensions earned him a Gold Star in lieu of the second Distinguished Service Medal.

The advancement of the field of naval aviation owes a great deal to the work of Admiral Russell. He entered the field when biplanes ruled the skies and aided the development of supersonic fighters. For his work on the development of the F–8 Crusader Navy fighter, the first ship-based fighter to fly faster than 1,000 miles per hour, Admiral Russell was awarded the prestigious Collier Trophy in 1956.

Recognition of his work extends beyond the borders of the United States, and is evidenced by his receipt of three foreign decorations. These include: the Order of Naval Merit (Grand Officer) by Brazil, the Legion of Honor (Commander) by France, and the Peruvian Cross of Naval Merit (Great Cross).

After retiring from active duty, Admiral Russell returned to the Tacoma area and became a prominent member of that community. He remained active in the aerospace industry as a consultant and board member. However, his second career, which spanned almost as many years as his first, was as a civic leader who bridged the civilian and military communities. Indeed, at an age when many of his contemporaries were enjoying a quiet retirement, Admiral Russell took an active role in community affairs.

Admiral Russell leaves his wife, Geraldine; his son and daughter-in-law, Don and Katherine Russell; his daughter-in-law, Anitha Russell; five grandchildren; and three great-grandchildren. I wish to express my sincere sympathy and condolences to these and other members of his family.

All who are acquainted with Admiral Russell know that his work has benefited and will continue to benefit countless individuals in Washington State, across this Nation, and around the globe. Admiral Russell served his country and community selflessly for three-quarters of a century. He led by example and earned the respect of all who knew him. I and so many people —his friends, colleagues, family, and community members—are sincerely grateful for his many contributions to military and civilian life. He leaves behind a great legacy and will not be soon forgotten.●

TRIBUTE TO THE UNIVERSITY OF KENTUCKY WILDCATS

• Mr. MCCONNELL. Mr. President, as my colleagues well know, I do not frequently venture down to the other side of Pennsylvania Avenue. The current occupant of the White House and I do not always see eye to eye. But, times change and I am anxiously awaiting the opportunity to set aside political differences in order to join the President in welcoming to Washington the 1996 NCAA Division I National Champions, the University of Kentucky Wildcats.

Mr. President, University of Kentucky basketball enjoys a proud history, one unequaled by any other school. In fact, in this season of unparalleled achievements, Kentucky not only earned bragging rights for the year, but they also became the winningest program in college basketball history. With their victory in the Mideast Regional Final, the Wildcats overtook the University of North Carolina and returned to their perch atop basketball's elite.

This fact is further demonstrated by the yearend Sagarin basketball Ratings. These figures compiled by basketball expert Jeff Sagarin factor in numerous variables, including schedule strength, to determine the top teams in Division I NCAA. This year, Kentucky posted a yearend rating of 103.26, which put the Wildcats not only in first place for the year, but also made it the top rated team in the 22-year history of these figures.

As for history, let's review a few quick facts about this Wildcat team. On their way to a 34-to-2 record, the Cats defeated every team on their schedule at least once by a minimum of 7 points. They scored 86 points in one-half against the LSU Tigers. Mr. President, for those of my colleagues who may not follow college basketball closely, allow me to put this achievement in terms more readily understandable. Scoring 86 points in one half is equivalent to BOB DOLE winning the Presidency before the polls in the Midwest even close, which, by the way, I anticipate he will do. Finally, the Wildcats did something that nobody believed was possible in this age of parity in college athletics: they played the entire Southeastern Conference regular season without losing a single game. A perfect 16 and 0.

Rupp, Issel, Groza, Givens, Macy, Mashburn, Hall, and now Pitino. The Fabulous Five, Rupp's Runts, the Fiddlin' Five, Pitino's Bombinos, the Unforgettables, and now the Untouchables. UK basketball enjoys a tradition unequaled by any other program. Mr. President, I believe this tradition will continue to grow for decades to come.

I urge my colleagues to join me in extending congratulations to this team of outstanding young men, a group distinguished not only by their athletic achievements but their character as well. As an unabashed college basketball fanatic, I want to personally thank Coach Pitino, Athletic Director C.M. Newton, and President Charles Wethington for restoring dignity, excitement, and honor to this proud program. Their leadership provides an example all of us in public life would do well to emulate.•

ROLE OF RELIGION IN AMERICAN SOCIETY

• Ms. MIKULSKI. Mr. President, the State of Maryland is very fortunate to have many churches and religious institutions which serve families and individuals with special needs. I am pleased that the world headquarters for the Seventh-day Adventist Church is located in Maryland. On March 10, more than 500 community service directors and volunteers of the Allegheny East Conference of Seventh-day Adventists convened in Hyattsville, MD, under the leadership of Pastor Robert Booker. The keynote address was delivered by Dr. Clarence E. Hodges, vice-president of the North American Division of the General Conference of Seventh-day Adventists. He spoke eloquently on the role of religion in American society. I want to share with my colleagues some of his thoughts. Dr. Hodges began his remarks by speaking of the freedom of religion which the United States enjoys.

> When freedom of religion is combined with other economic and social freedoms, society flourishes and the quality of life is enhanced for all citizens. The United States has the model which must be protected. Religious institutions stay out of government and governmental institutions stay out of religion while both employ their special approaches to advance the interests of society and the individual.

In his remarks, Dr. Hodges highlighted the vital role religion plays in our country, not only in meeting spiritual needs, but also in meeting the day to day needs in our communities. As he points out: Where would we be without their immense contributions?

> What would it cost for government to replace all church operated charitable organizations, educational institutions, hospitals, nursing homes, welfare centers, soup kitchens, and other services provided to individuals?

And as he pointed out in his concluding comments, the contributions that people of faith and religious-based organizations are making to communities are needed now more than ever, in these times of declining spending at all levels of government.

> The family, the basic unit of society, is coming apart. Divorces are at record high levels. First time marriages are being delayed. Babies are born to babies. Children are being raised in single parent families. Only nine percent of the children who live with both parents are poor while forty-six percent of the children who live with only one parent are poor. Since 1970, out of wedlock births have tripled. Child abuse and neglect contribute to the death of twelve children each day. Three hundred fifty thousand children between eight and eighteen years of age are put out of their homes each year. Homeless and runaway children are exploited by perverted adults for money and sick pleasures. The foster care system which is designed to provide protection and hope for neglected children actually feeds thousands into the corrections system as felons each year. Mothers are battered in front of and with their children and many see no other option but to suffer through this kind of domestic violence year after year. But your services are making a difference. We will never know the full value or impact of your services. Our governmental agencies at all levels and all tax payers appreciate what you are doing in response to human needs, family problems, and natural disasters. Since you serve anyone in need, without strings attached, and since your clients include all races, cultures and religious groups, I am pleased to congratulate you for doing the work of your Lord in an outstanding manner. You are ready for welfare reform, changes in Medicaid, nutrition programs, and the various block grant proposals. Thanks be to our founding fathers for their vision of religious freedom.
>
> We live in a world where there is no suffering-free zone. We can relocate to beautiful communities but there is no comfort zone. We can run but we cannot hide. We can have creature comforts and luxuries far beyond our needs but we will have no comfort zone until we have reached out to all in need.
>
> What is the value of a good neighbor? What is the value of the Good Samaritan? What is the value of religion? What is the value of religious freedom? The value of mankind, that's the answer. May we and America forever place a high value on all our freedoms and on all mankind.

I believe all of my colleagues will find food for thought in Dr. Hodges' comments.•

ALLEGED SWISS COLLABORATION WITH THE NAZIS AND THE SMUGGLING OF GERMAN LOOTED PROPERTY TO ARGENTINA

Mr. D'AMATO. Mr. President, I rise today to discuss an issue that continues to trouble me, namely that of the role played by Swiss banks and their continued retention of assets belonging to European Jews and others before and during World War II.

In a document from the State Department, entitled, ''Nazi and Fascist Capital in Latin America,'' dated March 23, 1945, found at the National Archives, details Nazi capital infiltration of Latin and South America. Yet, within the report, there are sections which explain the role of the Swiss bankers in helping to secret Nazi assets out of Europe. At this time, Mr. President, I ask unanimous consent that this report be printed in the RECORD.

The relevant part of the report states that,

> ''Accusations have also been voiced that Nazi German capital is escaping in Swiss diplomatic pouches, probably without the knowledge of the Swiss federal government, because of the government's practice of entrusting diplomatic missions to its bankers and businessmen traveling to the Western Hemisphere.''

If this is true, it suggests that Swiss bankers might have directly help get Nazi assets out of Europe to Latin and South America. This revelation could lead to serious questions about the sincerity of the Swiss bankers with regard

to Jewish assets in their possession, as well as those of the Nazis. Where did all of the money go? That is what the Banking Committee will try to find out.

The report follows:

NAZI AND FASCIST CAPITAL IN LATIN AMERICA

Ever since the Nazis and the followers of Mussolini began to lose confidence in their ultimate victory, they started to establish safe refuges for their capital in neutral countries. The object of these transfers is only, in a minor degree, for the purpose of establishing coches for their loot, for the purpose of enjoying a comfortable old age, with personal and economic security, such as that of Kaiser Wilhelm II in the Netherland town of Doorn. The main purpose is the reestablishment of German industrial and financial power or influence in countries from which they could again attempt to dominate the world, first economically and later politically.

These transfers are being accomplished by various methods. Most of them are being made by the intermediacy of neutral countries. A great deal of capital, British and United States currency, jewels, and technical secrets and stock certificates have been transported from Germany to neutral Switzerland, Spain, Tangier, and Portugal, and from there to the final destination, largely to neutral Argentina where the capital is expected to enjoy safety from any Allied interference. Spanish Falangists, aristocrats, and businessmen have been helping in these transfers, with their voyages from Spain to Argentina. These activities gained momentum in 1944.

In Spanish ships and German submarines, as much as possible of Germany's capital, American and other currency of the Allied nations, confiscated by the Nazis, inventions, technical personnel, officers, and machinery has been sent to Latin America, including some industrial plants complete with administrators. A typical example was the arrival in Argentina, at the beginning of 1945, of the heads of the CHADE (Compania Hispano-Americana de Electricidad), Juan Ventosa y. Calvet and F.A. de Cambo. The heads of the Deutsche Bank and the Allgemeine Elektrizitats Gesellschaft figure prominently on the board of directors of CHADE which controls electric light and power for the city and province of Buenos Aires. Before his trip to Argentina, Ventosa y. Calvet was seen several times in Berne and Montreux, Switzerland, in the company of Hitler's financial advisor, Dr. Hjalmar Schacht. That is one example of how the Argentine Government has managed to speed up the development of war industries. In that way, Fritz Mandl, former Austrian munitions manufacturer, organized his armament factories in Argentina. Collaborators with German investments in Argentina are: Gen. Basilio Pertine, Dr. Arnold Stoops, Guillermo Schulenberg, Max Kleiner, Federico Curtins, Dr. Alejandro Czisch, Fernando Ellerhorst, Dr. C.E. Niebuhr. All of them are members of the board of directors of the most important German, or German-controlled, companies in Argentina: Siemens Bauunion, Siemens Schuckert, Osram, Wayss & Freytag, Bayer, Allgemeine Elektrizitats Gesellschaft, known as A.E.G., and many others.

The main German investments include banks, such as the Banco Aleman Transatintico and the Banco Germanico de la America del Sud; insurance companies, such as La Germano Argentina, Compania de Segures Aachen y Munich; construction companies, such as Siemens Bauunion; electric machinery companies, such as the half-dozen subsidiaries of Siemens-Schuckert, and Siemens & Halske; chemical companies, most of the subsidiaries of I.G. Farbenindustrie, such as Quimica Bayer S.A., Quimica Schering, Quimica Merck Argentina, Anilinas Alemanas; machinery distributors, such as Compania de Motores Otto Deutz Legitima S.A., Sociedad Tubos Mannesman Ltda., Aceros, Roechling-Buderus, S.A., Aceros Schoeller-Bleckman, S. de R.L. and many others.

Accusations have also been voiced that Nazi German capital is escaping in Swiss diplomatic pouches, probably without the knowledge of the Swiss federal government, because of the government's practice of entrusting diplomatic missions to its bankers and businessmen traveling to the Western Hemisphere.

The vast fortunes of Nazi party leaders and industrialists, sent out of the Reich for safekeeping to neutral countries, but mainly to Buenos Aires, are ready to resume business through Germany's industrial and chemical cartels in new headquarters as soon as Germany surrenders. The alleged or Swiss aid to Germany in these matters is believed to have contributed to Russia's refusal to attend last year's international Aviation Conference in Chicago because of the presence there of Swiss and Spanish delegates.

The personal fortunes of Nazi officials, including Hermann Goering, Joseph Goebbels, Robert Ley and others, are said to be reaching Geneva via German diplomatic pouches, and from there—it is alleged—they are sent to Buenos Aires.

The Nazis once used Spanish diplomatic pouches in Venezuela and other countries to send strategic materials like industrial diamonds and platinum home from South America. Before Argentina broke its official ties with Germany, the Nazis sent vital materials to Berlin in their diplomatic pouches and received large shipments of such diverse items as propaganda, short-wave radio transmitters, and the blueprints for war weapons now produced in several Argentine arms plants, notably that of the former Austrian munitions king, Fritz Mandl.

Another method of obtaining allied or ''free'' currency in neutral countries, a method which furthermore obviates the necessity—often involving a certain risk—of smuggling currency, valuables, or stock certificates into neutral countries, was extortion from Germans living in neutral countries. The system of extortion, which the Nazis had employed on a world-wide scale during that year, was based upon the sale of exist permits from Germany and occupied territories. Persons seeking such permits were compelled to persuade their relatives or friends in the Western Hemisphere to place at the disposal of the Nazis large sums of ''free'' currency of the neutral powers. At the same time, residents of the American Republics were informed that their relatives or friends in Germany, or in territories occupied by it, would be sent to concentration camps or subjected to other tortures if the specified sums of money were not paid within a fixed period of time. Through this procedure, many persons in Europe, who had ties of friendship or relationship with residents of the New World, were held as hostages pending the payment of ransom in the free currencies.

The fortunes in securities, bullion and cash transferred to the Argentine capital are only part of the sums being invested abroad for the Nazi hierarchy by banks of neutral countries. International financial speculators have invaded the United States, Argentina, and Panama to assist the Germans in one of the greatest mass exodi of capital ever known. United States Government agents have successfully blocked the activities of a number of these speculators but have as yet been unable to do anything about the misuse of diplomatic immunity of neutral countries. Such neutral diplomatic pouches are passed without inspection on Spanish, Portuguese, and Swiss merchant ships at the British control stations in Gibraltar and Trinidad.

It is reported that Reichsmarshal Goering lately used this method to transfer personal funds. According to these reports, Goering previously sent more than $20,000,000 of his personal fortune to Argentina via the Dresdener Bank of Berlin and the Schweizer Bankverein of Geneva. His representative in Argentina is Dietrich Borchardt, a German of Argentina citizenship, who not long ago visited the United States and engaged in financial transactions.

Goering is also reported to have transferred some funds to Argentina by a Nazi submarine which in the Spring of 1943 surfaced near Mar del Plata on the Argentina coast and transferred some forty boxes to a tugboat of an Axis-owned line in Buenos Aires. Part of that money is said to have been invested in the ''Electro Metalúrgica Sema'' arms plant in Buenos Aires which Goering recently sold to the Argentine government for $5,000,000.

One of the latest reports is the discovery that Nazi Propaganda Minister Joseph Goebbels has $1,850,000 in United States money in a safety deposit box in a German-controlled bank in Buenos Aires, under the name of a friend of German origin there.

Foreign Minister Joachim von Ribbentrop has a large sum deposited in the name of his cousin, a German named Martin, who recently received $500,000 from a Swiss bank from the account of the Nazi diplomat.

Admiral Karl Doenitz, chief of the German Navy, has an undisclosed sum in the care of a relative, Edmundo Wagenknecht, owner of one of the largest German import and export firms in Argentina.

Robert Ley, Chief of the Nazi Labor Front, recently bought a large farm near Bahia Blanca, Argentina, under the name of Franz Borsemann, a trusted Nazi friend.

It is estimated that in 1939 German investments in Latin America amounted to at least 150 million dollars or 16 percent of the total foreign investment of Germany. This figure does not include the capital belonging to persons of German lineage or capital employed by those who had acquired an American citizenship while maintaining Nazi contacts and sympathies. It consists of those investments whose ownership is known to be German, hence it is a minimum figure. Much of this, although small in proportion to British and United States holdings, was effectively and intensively organized and integrated into the Nazi political system.

When the Germans overran almost all of continental Europe, they seized many millions of French francs, Dutch guilders, Belgian belgas, Norwegian and Danish kronen, Czech korunas, Polish zlotys, and a great deal of American and British currency found in the banks of these countries. They transported or transferred them to neutral banks, and from there much of it went to South America, mainly to Argentina. This money was partly used for the purpose of expanding Nazi controlled industries in these neutral countries.

According to some Argentine estimates, the Germans have $750,000,000 cashed or invested in South America, including their pre-war investments.

During the war, these investments have been considerably increased through the infiltration of German capital.

''Anilinas Alemanes'' (German Anilines), which is part of the huge German dye trust, is an example. According to figures registered by this company with the Argentine

government, its capital there in 1940 was 5,000,000 pesos. In 1943 it was 9,600,000 pesos, the balance having been invested from abroad during the war. Although the company officially was cut off from all supplies from Germany during that period, its 1939 profits of 69,453 pesos had soared to 1,731,847 pesos in 1943.

German government officials ''bought'' millions of dollars in Argentine securities from their owners in occupied Europe, giving the victims worthless German paper money or securities in exchange. The Argentine securities thus obtained have been sent to Buenos Aires for safe-keeping. Future attempts of the victims to recover these Argentine securities will be a difficult, if not impossible task.

PREVIOUS COMMERCIAL TIES

Industries and commercial houses operated by Germans in Latin America conducted their activities as though nationalized by the Third Reich, in the interest of the Party and often with little regard for financial profit and ordinary business enterprise. Commercial enterprises such as retail and wholesale distribution, importing and exporting, commodity brokerage, and drug compounding and distribution were the types preferred for German investment. More than half of the German capital in Latin America was invested in this field of endeavor.

The largest and most extensive investments were made by Germans in Brazil. Here the basis for a thriving trade in German and Brazilian commodities existed as a result of a large colonies of Germans in Brazil which had been established under the leadership of the Hanseatic Colonization Company beginning in 1887. Most of these early colonists were farmers and laborers and as their economic status became stronger and more prosperous, German industrialists, traders, technicians, and small capitalists were attracted to the country. Thousands of farms owned by Germans and citizens of German descent and in 1939 an estimated 40 million dollars in German capital was invested in commercial houses. German traders maintained the closest of ties with Germany, dealing principally in German goods and in products specially prepared, packed and shipped from Brazil to German markets. These strong commercial ties were fully utilized by the Nazi party organization not only to extend the party network but to provide powerful financial support.

Similar commercial penetration occurred throughout Latin America reaching a position of dominance in Chile, Colombia, and Bolivia. In 1939, German investments in commercial firms in Chile were estimated at 16 million dollars, in Colombia 9 million, and in Bolivia 5 million. German business agents covered the area reaching remote districts with products of German industry and seeking commodities in exchange. Easy credit terms were extended, personal favors granted, and buyers tied to sellers by means of continuing obligations. Such firms as Bayer, Becker, Elsner, Kyllman, Swertzer, and Zeller operated prosperously and with extensive credit furnished by banks with German connections. With typical thoroughness the Germans extended their control until dominance was achieved in many fields. In Uruguay a Nazi gauleiter named Delldorf used the firm of Lahusen and Company as a center of party espionage. This firm with other German-owned and controlled units dominated the wool export trade of the country. The financial strength and commercial prestige of these firms enabled them to exert effective powers over press and radios; a power which was fully used.

In addition to these strictly German investments there were substantial capital holdings in the hands of local citizens of German descent with Nazi sympathies and connections. In Colombia alone there were an estimated 225 firms of this type with capital aggregating about 5 million dollars.

AGRICULTURAL INVESTMENTS

Second in size to German investment in commercial enterprises were German land holdings in Latin America. In Argentina, German colonies were established, principally in Patagonia. More than half of the population in this area was foreign, the Germans numbering 15,000. Several of the richest and most extensive land holdings in Patagonia were dominated directly or indirectly by powerful German interests. The Germans lived here as Germans speaking their own language, retaining German customs, schools, and religion, celebrating German holidays, and spreading a continuous flow of Nazi propaganda. The area was virtually a Nazi State, followed the party line, and kept alive the issue of creating a separate State.

In Peru, Gildermeister and Company with home offices in Lima and Berlin operated under the name of Negociacion Agricola Chicama, Limitada (formerly Casagrande Luckner Plantagen, A.G.). In 1939 this firm owned the largest sugar plantation in the world (more than 1.5 million acres) and controlled the production of more than half of all sugar produced by Peru. The capital investments of this firm were estimated at about 20 million dollars; it possessed its own private seaport, Puerto Chicama, but the total quantity and composition of exports and imports which flowed through the port is a matter of conjecture. Gildermeister maintained close ties with the Nazis, one of the Gildermeister brothers serving as the Peruvian ambassador in Berlin until 1942. The concern employed German as well as native personnel, and dominated completely the economy of the Chicama Valley.

In Central America, notably Guatemala and Costa Rica, German land holdings were substantial. In Guatemala, German capital controlled about 60 percent of the coffee acreage and the amount invested was estimated at 20 million dollars. Similarly, in Costa Rica about 5 million dollars of German capital was invested in coffee and sugar plantations.

BANKING INTERESTS

Ranking third in size, the German investments in banking in Latin America were of considerably greater importance as instruments of Nazi control then might appear from their capital. German personnel was strategically placed in local banks; correspondent contacts were developed and maintained on an extensive scale; loans to institutions of strategic importance and to governments were made and the dominant motive was often clearly political rather than economic.

In every report or news dispatch from South America, two banks have been named as the key transmission-belts for financing German enterprises in Latin America: the German Overseas Bank (Deutsche Ueberseeische Bank) and the German-South American Bank (Deutsche-Suedamerikanische Bank). The former—its Spanish name is Banco Alemán Transatlántica—is under the control of the Deutsche Bank, the largest private bank in Germany, with eighteen branches in Argentina, Brazil, Chile, Peru, and Uruguay. Its board of directors contains, besides the heads of the Deutsche Bank, the director of the Krupp combine, Dr. Busemann; the general director of the potash trust, Dr. Diehn; and representatives of the Steel Trust and of Siemens-Schuckert, one of the two largest electricity trusts in Germany. The German Overseas Bank has interests in the Central Banks of Argentina, Chile, and Peru.

The majority of shares in the German-South American Bank (Banco Germánico de la América del Sud) belong to the Dresdener Bank, Germany's second largest private bank. Here, too, the Krupp combine is represented in the person of Krupp's brother-in-law, Baron von Wilmosky. Hermann Buecher, chairman of the board of AEG, Allgemeine Elektrizitats Gesellschaft, the largest German electricity trust, is also a director of the bank. Consul Heinrich Diederichsen, head of a large Hamburg import and export house, is a director of the bank; while his son, utilizing the money of the German-South American Bank, plans a very important role in the fascist Integralists movement in Brazil.

German banks were of notable importance in Argentina, Brazil, Colombia, and Chile, operating with numerous branches and controlled from Berlin. The former Banco Italiano (now El Banco Crédito del Peru) was a 10 million dollar Axis institution which dominated the banking business of Peru. It has such power that few important steps, affecting government finance or of major economic importance, were taken without consulting the officers of this institution. Through selective financing, it controlled the public utilities and a substantial number of private business interests in Peru.

INVESTMENTS IN TRANSPORTATION

The major German investment in Latin American transportation was made in airlines. The systems developed in strategic areas. The principal lines, Condor, Lufthansa, Sedta, Varig, Scadta, and Lloyd Aero Boliviano, operated largely with German personnel (some of whom were officers in the Nazi Army) and systematically mapped the strategic areas of Latin America. This subject is treated in a separate section of this report.

German shipping companies forced to suspend business activities as a result of the British blockade did not close their offices but in many cases expanded and opened new offices to carry on propaganda functions.

The Compania Unión Industrial de Barranquilla was the only shipbuilding firm in Colombia for the river trade. Its control was German, most of its personnel was German and nearby property and business was owned or dominated by Germans.

PUBLIC UTILITIES

Though direct financial investments by Germans in public utilities in Latin America were small, Germans held key positions in many utility concerns, notably Argentina; and in Uruguay, the German firm, Siemens, contracted to build a great hydroelectric power and distribution system at Rio Negro using German technicians and German equipment and installations. The entire technical personnel of the electric plant in Quito was German. The chief engineer on this project was Walter Giese, a Nazi gauleiter who established in Ambato a powerful Nazi radio transmitting station.

TRANSFER OF ITALIAN FASCIST CAPITAL

The Italian Government in Rome, cooperating with the Allied Commission, seized and sequestered Fascist estates valued at $80,000,000 in liberated Italy. But high-ranking Fascists are said to have smuggled between $400,000,000 and $500,000,000 into neutral countries, most of which is the result of wholesale looting.

Edda Mussolini, the Duce's daughter and widow of Count Ciano, executed Fascist Foreign Minister, escaped to Switzerland and is credited with having stored away more pillage than any other Italian Fascist.

Other nations where Fascists have succeeded in hiding funds include Portugal, Argentina, and Brazil, according to an Allied Commission official.

Italian ''epuration'' (purge) officials are not investigating a report that Mussolini himself hid some loot in the United States.

Mussolini's family, including children and grandchildren, his mistress, Clara Petacci and all of her family, comprise sixteen names of 267 whose estates in liberated Italy have thus far been sequestered. Not all of the 267 are Fascist leaders. Some are simply profiteers and war contract swindlers.

SWISS BANKERS AND GERMAN CAPITAL

Three members of the Swiss delegation of the International Business Conference, held at Rye, N.Y., in November 1944, made several attempts to induce the U.S. Treasury Department to rescind its ruling that the true ownership of all funds deposited by Swiss banks in this country be revealed within one year after hostilities cease in Europe. The Swiss banking system in which numbers designate accounts instead of names, makes it enormously difficult to trace secret or hidden funds.

According to sources having connections in Geneva and Buenos Aires, the reason for Swiss bankers; anxiety to evade disclosure of their clients, names is the fact that Swiss banks have for several years been aiding in the transfer of immense fortunes of Nazi leaders and their European collaborators to the United States, Spain, Argentina, and Brazil.

The Swiss Committee, headed by Edmond Barbey of Lombard, Odier et Cie., includes André Fatio of Ferrier, Lullin, and F.H. Bates, all representing the Union de Bancs Suisses (The Swiss Banking Association). They are basing their plea on the Swiss banking tradition of absolute secrecy concerning their clients' accounts—or even of the fact that the account exists.

At present Swiss funds deposited in the United States anonymously are blocked by the Treasury Department which promises to release them upon definite proof that they do not belong to enemy aliens or war criminals.

The chairman of the Swiss delegation to the International Business Conference was Hans Sulzer of Gebrueder Sulzer in Geneva (and a branch in Frankfort-on-Main, Germany), who was on the British blacklist. (Charged with supplying Diesel engines for Nazi submarines, Sulzer hotly replied, ''They were not for submarines!).

In allowing men like Sulzer and their bankers the cloak of diplomatic immunity, the Swiss government has, probably unwittingly, enabled German leaders like Goering, Goebbels, and von Ribbentrop to spirit huge funds abroad. For centuries Swiss banks have been confidants of men who want to keep their financial transactions secret. A banker is forbidden by the Swiss constitution from disclosing his clients' maneuvers. He would rather go to jail than do so.

The Swiss Banking Association is therefore doubly anxious to induce the United States to refrain from insisting on postwar disclosure of the names of its depositors here. Besides being forced to confess their relations with war criminals, they will have lost the advantage of secrecy which has enabled them to vie in world influence with the greatest banks.●

RESURGENCE OF THE AMERICAN STEEL INDUSTRY

● Mr. ROCKEFELLER. Mr. President, I wish to draw the Senate's attention to a most important development that seems to have gone virtually unnoticed by a great many in the general public. As the co-chairman of the Senate Steel Caucus, I am pleased to report that the story of the resurgence of the American steel industry is a genuine American success story. In the April 16, 1996, edition of the New York Times, there was an extensive article which outlined many of the ways in which American steel companies have been able to rebound from huge losses and, in some cases, bankruptcy. Today the American steel industry is simply the most cost effective, and highest quality steel industry in the world.

During the 1980's, as many of my colleagues will remember, the steel industry was confronted with many serious problems, not the least of which was the fact that foreign steel producers, with the approval of their governments, targeted our steel industry for extinction by means of dumping and other unfair trade practices. In response to the threat of our using our antidumping and countervailing duty laws, foreign governments negotiated voluntary restraint agreements [VRA's] with the United States that kept a lid on imports of unfairly traded steel.

These VRA's were desperately needed medicine which gave our steel companies the extra boost they needed to rise from the ashes. In addition, Congress worked on a bipartisan basis to maintain the effectiveness of U.S. antidumping and countervailing duty laws. Effective use and administration of our trade laws were—and remain—absolutely vital to the health of our steel industry.

That is why I fought so hard, when we were negotiating the Uruguay round of the GATT, and when Congress was writing the legislation to implement the round, to make sure that the sanctity and effectiveness of our fair trade laws were maintained. Today, some are trying to undermine our trade laws through covert means, to find ways of getting around our trade laws. Mr. President, we can't afford to let that effort succeed. America's steel industry, the backbone of our economy, can't afford to let that effort succeed.

However, our trade laws alone didn't bring about American steel's resurgence. Since 1980, U.S. steel producers have invested over $35 billion in modernization—a figure higher than the industry's total cash flow! But the revitalization of America's steel industry has been costly and painful. Between 1980 and 1992, the workforce was cut by 57 percent and 450 facilities were closed.

Most of the 235,000 people whose jobs were lost in those down years won't benefit from the resurgence of America's steel industry, but the polishing-up of the rust belt will benefit thousands of other workers and their families.

Today, the United States has a world class steel industry. American steel is the lowest cost producer for the U.S. market; U.S. labor productivity—man hours/ton—in the steel sector leads the world; the quality of American steel is second to none; and the United States is emerging as a center of innovative steelmaking technology.

As we all know, successful competition in today's global marketplace requires a vigorous manufacturing base. Steel is fundamental to that base and continues to be essential to manufacturing, infrastructure and defense—mainstays of our economy.

Mr. President, I ask that the New York Times article entitled, ''Big Steelmakers Shape Up,'' be printed in the RECORD.

The article follows:

[From the New York Times, Apr. 16, 1996]

BIG STEELMAKERS SHAPE UP—U.S. MILLS WIN BACK BUSINESS AT HOME AND ABROAD

(By John Holusha)

SPARROWS POINT, MD.—Richard Moore was laid off from the Bethlehem Steel Corporation's sprawling mill here in 1981, one of tens of thousands of workers shed by the American steel industry as it fought to cut bloated costs and fend off surging imports.

Now, after a nearly 15-year stint selling auto parts, Mr. Moore is back on the job, one of 400 production workers hired here last year, the first new arrivals since 1979. More are expected to be hired soon.

''The work here is dirtier, hotter, more dangerous and strenuous'' than the sales job, Mr. Moore said during a brief break. But, at $24 an hour in base pay and benefits, it is also ''much better than what I was doing,'' he added.

The return of Mr. Moore and his colleagues—and others like them at steel plants around the country—marks the return as well of an industry that was nearly given up for dead in the United States a decade or so ago.

Slimmer now and better run, American steelmakers are taking back more and more pieces of their domestic business from competitors in Japan and other countries. And at levels not seen for half a century, they are going abroad with a vengeance, more than holding their own on foreign turf in terms of quality and price, even with the added expense of shipping.

Last year, they shipped 7.1 million tons of steel slabs, sheets and structural beams to foreign countries, nearly doubling the 3.8 million tons exported in 1994. It was the best export performance since 1940, according to the American Iron and Steel Institute, the principal industry trade group. And orders are booming this year.

As explanation of why he expects to stay on this time around, Mr. Moore pointed to the fact that the tinplating line he works on had sold its full 1996 production capacity by mid-March. Last year, Bethlehem exported 500,000 tons of steel from the plant here, along the Chesapeake Bay about 12 miles southeast of Baltimore. That is up from just 50,000 tons the year before. All in all, the performance last year and the strong orders so far this year ''confirm that the U.S. steel industry has become competitive on a world basis,'' said Peter F. Marcus, a metals analyst at Paine Webber.

To be sure, the United States still imports more steel than it exports, at least partly because so many outmoded mills have been closed that the domestic industry cannot fully supply the market. Imports totaled 24.4 million tons last year. And the bulk of the hiring here and at other plants is to replace retiring workers, not to add to the payroll.

Still, in one basic category, hot rolled sheet steel, the United States has been a net exporter since last June. And overall employment in the industry—now thought to be around 170,000—has begun to increase as the first few of nearly a dozen new mills scheduled to open by the end of the decade have started production. Taken together, the numbers show just how far American steelmakers have come in changing their old ways, analysts and industry executives say.

Those ways were marked by a full plate of inefficiencies: overstaffing, outmoded production processes and poor quality control. Foreign steelmakers, led by the Japanese and the Europeans, saw their chance and moved in. But there were domestic threats to the steel giants as well, from so-called mini-mills, upstart operators that turned out low-cost steel from scrap rather than from raw materials. And some foreign companies bought plants in the United States and began to revamp them.

Eventually, the big American steelmakers got serious about survival. They slashed payrolls, shuttered the most antiquated of their hulking mills and spent billions on new technology and equipment.

With costs down and quality up, the industry has been positioned of late to take advantage of currency swings that have made American products cheaper abroad. Besides making American steel itself more attractive to foreign markets, the relative weakness of the dollar has helped many domestically made products, from cars to appliances, that contain steel. And that, in turn, has given the American steelmakers a chance to retake at least some of their home ground.

Noting that the Chrysler Corporation is exporting steel to Europe to make Jeeps there and that cars containing American steel are being exported in larger numbers than they used to be, Michelle Applebaum, an analyst with Salomon Brothers, said: ''The Rust Bowl in the United States has become competitive again. The steel market is the primary beneficiary of the new competitive heartland in the United States and is stronger than it has been in decades.''

The evidence of the shift is striking in sheet steel, the biggest category and a major component of cars, building materials and appliances. At the beginning of 1995, Ms. Applebaum said, imports accounted for a net market share (subtracting exports) of 17 percent. But by the end of the year that figure was down to 5 percent. ''That means that a full 12 percent share was given back to the U.S. market,'' she said, equaling twice the output of one large steelmaker, Inland Steel Industries.

One measure of efficiency is the amount of labor it takes to produce a given quantity of steel. According to Mr. Marcus, the average integrated mill in the United States requires 4.42 hours of labor to produce a metric ton, or 2,200 pounds, of steel. That compares with 4.49 hours in Japan, 4.69 in Germany and 4.71 in Britain. Twenty years ago, when far more labor was required, Japan was the leader, at 11.36 hours, followed by the United States, at 12.49.

Steel executives say exports provide a long-term opportunity, though shipments are likely to vary from year to year, depending on domestic demand. Because it costs about $50 a ton to ship steel overseas, the profit margin is less than in a domestic sale. But because blast furnaces must be run continuously, disgorging ton after ton of molten pig iron, manufacturers like having an alternative market if demand fails at home.

''Right now, the domestic market is more attractive, so our exports will probably be less this year than in 1995,'' said Paul Wilhelm, president of the U.S. Steel Group of the USX Corporation. U.S. Steel exported 1.5 million of the 11.4 million tons of steel it made last year. But the company is a permanent player in the export business, with long-term overseas accounts, Mr. Wilhelm said.

John J. Connelly, the president of U.S. Steel International Inc., added, ''we see this as an ongoing 4 to 5 percent of our business through thick and thin.''

And while the cheap dollar helps keep that market open, industry experts say, there are other factors.

''Currency has an effect, but in the end if you are low-cost, high-quality and meet customer expectations, you will get business,'' said Curtis H. Barnette, Bethlehem Steel's chairman.

This newfound efficiency and quality will have increasing importance in coming years as the new mills begin opening in this country. If products from the new mills can push out imports rather than cannibalize older mills, as has been the case in the past, jobs at places like Sparrows Point look like a better long-term bet.

All the start-ups are patterned on mini-mills, which have small, highly efficient work forces. The Nucor Corporation, the mini-mill leader, can make steel at some of its mills with less than half an hour of labor a ton.

But the mini-mills may no longer enjoy the big advantage over traditional mills that they had in the past, some experts say. In part, that is because the traditional mills have become so much more efficient.

Another reason has to do with the production process of most mini-mills: They have to live with the impurities in the recycled materials they use, and the price of high-quality scrap has been rising. Integrated mills, because they work from raw materials, can better tune the chemistry of their products.

Because the price of scrap is likely to keep rising as new mini-mills add to demand, many companies are investing in ways to separate iron from ore that do not involve blast furnaces, which are costly to build and operate. Nucor, for example, is converting ore into iron carbide, a form of the metal that can be added to scrap.

As the mini-mills lose some of their edge, the slimmed-down integrated mills should be able to hold their own better on the domestic front, analysts predict.

At Sparrows Point, the changes have been profound. In the 1950's and 60's, it was more like an independent empire than a factory. The mill employed about 30,000 people and there was a company town, complete with company-owned housing, stores and schools. There was even a police force and a semi-professional football team.

In the late 60's, the company decided to end this paternalistic system and to gradually close down the town. New mill buildings swallowed the remains of the town, and the workers who stayed on the payroll moved to Baltimore and the surrounding area.

''There was a high school where the blast furnace is now,'' said Duane Dunham, the president of Bethlehem's Sparrows Point division.

Over the last decade, Bethlehem poured in $1.6 billion for improvements. Everything in the mill is automated and run by computer, allowing only a few people to control the movement of vast amounts of material by watching wall-sized displays. Today the plant employs just 3,250 people and can make 3.5 million tons of steel a year, about one-third of its capacity in the old days.

The attitude of the employees and their union, the United Steelworkers of America, has changed as well. At the tin plate plant to which Mr. Moore is assigned, for instance, the rigid union work rules of the past have become flexible.

''We are all cross-trained, so we can fill in for people who are not here,'' said Brenda Matthews, one of the new workers, adding that little distinction was made between men and women. ''Women do the same jobs as men,'' she said, with one exception: Only the men load the heavy bars of tin needed in the electroplating process.

Even some of the veterans are whistling a new tune. James Henson has been at Sparrows Point for 25 years, mostly as an operator of a tractor that moves coils of sheet steel prior to shipment.

''In the old days, we had people chasing coils all over the place,'' he said, waving at a warehouse that is easily as long as three football fields. ''Now it is all on computer and we are shipping to our customers on a just-in-time basis. Every tractor operator has a computer and every coil is logged in. It's better this way.''●

NATIONAL PARK WEEK

● Mr. BURNS. Mr. President I rise today to recognize National Park Week from April 22–28.

Mr. President, Montana is known for its wonderful landscapes, abundant game, and a Big Sky. Montana is also known as a tourist's haven because of the State's access to two of the Nation's most beautiful treasures, Glacier National Park and Yellowstone National Park.

Our complex National Park System includes the likes of the crown jewel itself, Yellowstone National Park, but also includes the more urban historical treasures in Washington, DC.

The caliber and diversity of our National Park System is uncontested throughout the world. However, so is the cost of maintaining such a vast ecological system. We in Congress have worked to preserve our national parks and ensure the public's access to these native gems.

In an effort to meet the costs of preservation without limiting public access, the 104th Congress has passed legislation that increases entrance fees. The fees are our guarantee that national parks can maintain quality services and preservation practices that make each visitor's experience a memorable one.

Our National Park System provides a popular retreat for families. I believe the parks should be accessible to all people of all ages regardless of physical abilities. The parks do not belong singularly to the hearty wilderness explorer, they belong to all Americans.

So whether your view is of Glacier's majestic snow covered peaks overshadowing the Going-To-The-Sun road, or Yellowstone's Lamar Valley boasting its elk, waterfowl, buffalo, and the occasional grizzly, the preservation of the national park system will be secured.

COMMEMORATION OF THE WARSAW GHETTO UPRISING

● Mr. MOYNIHAN. Mr. President, I rise to commend to the Senate three remarkable public addresses delivered

last week on the Days of Remembrance, designated by the Congress to the memory of the Holocaust victims. Two of these speeches were given at New York City's Annual Commemoration of the Warsaw Ghetto Uprising and the third graced the U.S. Holocaust Memorial Council's National Civic Commemoration in the Rotunda of the Capitol Building.

These addresses by my friend Benjamin Meed, president of the Warsaw Ghetto Resistance Organization and Avroham Burg, the dynamic director general of the Jewish Agency for Israel, are important statements that deserve the attention of all who cherish human freedom and democratic values.

I ask to have these remarks by Mr. Meed and Director General Burg printed in the RECORD.

The remarks follow:

AN ADDRESS BY BENJAMIN MEED, PRESIDENT, WARSAW GHETTO RESISTANCE ORGANIZATION 53RD ANNUAL COMMEMORATION OF THE WARSAW GHETTO UPRISING

We are together again—the entire Jewish people, men, women, and children, to commemorate the murder of the Jewish people by the Germans and their collaborators. They made no distinctions among Jewish people at the gates of hell. Together we were all pushed to the gas chambers. For one reason only—we were born as Jews.

This commemoration, which I have the honor to chair for the 35th year, is deeply emotional for me as it is for many of you. For many years, the survivors alone remembered. We kept reliving our nightmares in the hope that the world would pay attention to our past, and now, the world has heard our story.

People have started to understand that what happened was real. When we testified collectively, the world began to take our tragic experience seriously—and to heed our warning.

Or perhaps it is because all humanity is frightened that the tragic, unique lesson that we Jews experienced, can happen again—this time on a cosmic scale—to all people. And it is all because survivors kept faith with the final command imparted to us by the Kedoshim! Zachor—Gedenk—Remember!

We accepted that obligation and took it with us to our adopted homes throughout the world. In Israel or Argentina—in Sweden or France—throughout the United States and Canada—survivors remember. How can we forget? How can we allow others to forget? How betrayed and isolated we were by the high and the mighty—and the ordinary people. The so called ordinary people were not so ordinary. Many highly educated were nevertheless motivated to murder us.

Immediately after the Holocaust they said they did not know. How could they not have known? On the cattle cars to Auschwitz and Treblinka—throughout Poland, Czechoslovakia and Hungary on the way to death—we criss-crossed all of Europe—day after day after day—screaming for help in Yiddish and Polish, Greek and German, Dutch and Flemish, Russian and French. But the world would not listen as we were herded together from the four corners of Nazi Europe to be murdered—only because we were Jews.

We Jews now speak other languages. And on Yom Hashoah we gather from every part of the world—to remember together! And Jews are united—not by death—but by memory and by a love of Israel. To us survivors, the State of Israel is not only a political entity. It is a homeland—a realized dream—a bright beacon of light in a world desperate for hope.

And yet we are still afraid—but it is a different fear. Those who were fortunate enough not to have experienced the Holocaust do not and cannot understand how we survivors feel when we see how our tragic past is remembered by others. We are deeply hurt when we see the way the Holocaust is portrayed as only dead bodies—piles and piles of corpses and mass graves. We survivors shudder, for in a way we fear that Hitler succeeded because the world is not aware of the vibrant Jewish life that was before the Holocaust—or of the cultural heritage of 1,000 years of Jewish history in Europe. It does not hear the songs of the shtetl, the theme of Warsaw, the Yeshivot of Vilna, the Hasidim of Belz, or the poets of Lodz and Krakow.

All it recognizes is death. Yet we remember the life that was destroyed—the world that is no longer. The world of Yiddishkeit and Menchlichkeit.

We are still asking the questions—how did it happen? Who failed? What failed? But these questions should not distract our attention from the real murderers—the Germans and their collaborators—or from the profound failure of world leaders and church leaders. Their silence has yet to be judged by history.

And we think not only of the past but also of the future. To you—our children assembled here, we would like to entrust our memories—as part of our last will and testament. You are the last generation to be blessed with the memories of the survivors—the living witnesses to the kingdom of night. This is your heritage, which we are transmitting to you. You must know your roots. You must remember that your very birth was testimony of the triumph of hope over despair—of dreams over pain. You are our response to those who tried to destroy us.

We also want to protect the truth from innocent and well-meaning people who speak only of the good—of the rays of hope and goodness—the righteous Gentiles whose memories we cherish with gratitude. But where was the reality? For every righteous person, there were thousands who collaborated or who shared the enemy's desire to murder the Jews or who, at best, stood idly by and did nothing.

Let us remember the Holocaust as it was. It was painful. It was bitter. It was ugly. It was inhuman. But it was real. Let us not permit it to be diluted or vulgarized. Let us not diminish its meaning by treating every event in human history—every instance of human suffering or discrimination as a Holocaust.

We survivors know that time is growing short, we are getting older and we need each other more than ever before, and we need you—our children and our fellow Jews to continue our legacy.

REMARKS OF AVROHAM BURG, DIRECTOR GENERAL OF THE JEWISH AGENCY FOR ISRAEL

Shalom Moishe, my dead elder brother.

A year has passed, and once again we are gathered to honor your memory. Each year, we promise you that we will never forget. We will not forget you and all our brothers and sisters who will forever remain the young boys and girls you were on the day of your deaths.

You really haven't changed. You are still so much like the old, faded picture hanging on the wall at home. It was hand painted with life-like colors.

In our memories, you are still smiling as if the world wasn't such a hard place to live in. It's as if you really haven't noticed that another year has gone by. The sun is hotter, and the cold is even colder. My legs are weaker, and my eyes are filled with more tears. And strangely, as more time passes, and we grow further apart we grow closer together. Because each year, fewer survivors remain. They leave this world, and we remain here with the heavy burden of memory. And, as we eulogize you, we also eulogize lost childhood and history that—like you—we can never ever bring back.

Six million brothers died. Sisters, children, parents and their loved ones. How many of you are there really? Another entire State of Israel. Another community the size of the American Jewish community. Another fifteen communities of Latin American Jews? So many boys, girls and grandchildren that will never be born.

Our mourning will never cease. Never, because you—the fallen—never will have children. There were those who never had children because they were too young, and those who had children whose spirits never ran free, and those who had children who never had the chance to fulfill their dreams.

As time passes, we miss you more than ever. We miss the children that you never had. So many unborn children. For those of you, the childless generation, we are here for you, standing by your side, here and now.

And the cycle of our mourning will never be completed. Our continuous grieving is the grieving of a people that is missing so many of its members.

And we—the living—each year, we bring children into the world. So many of them bear your name, Moishe, to honor the dead, and we hope that they will experience all the things we wanted for you but you never had.

Our children are continuing in your footsteps, from the point at which your life was cut off.

They will never know you, and we silently pray:

That they will carry your name but please God, that they will know a different fate. That they will live, and know goodness and peace. Each year we promise our children the things that our mothers promised us:

Son, when you are all grown up, there won't be violence in the world. When you grow up, there will be peace in our world. And we also promise our children something that we may not accomplish.

Will our grandchildren enjoy the redemption on behalf of our dead loved ones?

I really don't know what to say to you. You who come here every year. You who come here to unite with the memory of those no longer with us. We have come here because of the togetherness, and the awesome atmosphere of condolence. We want to be with you today, in this gathering of mourners. It is here, and in every place that we take our revenge.

On that painful and horrifying day, at the moment before the flames engulfed you, we cried out—revenge!

Oh God of Vengeance—Hashen—appear!

And, as time passed, something deep inside of us cried out to us, and we pray to God, but differently:

Oh God, full of mercy—Father of Compassion!

Because Jewish revenge is not taken by shedding blood.

We do not want to resemble our killers when we take our revenge. Our revenge is different.

We remember, and never forget. We remember the murderers, and know that we can never forget that in every man there is an evil inclination. We remember the march of the dead, and we march for the living.

We remember the glorious legacy of communities that were ruthlessly executed.

And we swear that our grandchildren and great-grandchildren will never, ever forget you, Moishe.

The world, it seems, wants us to accept that your souls and the worldly goods you worked for were taken away from us forever. Your souls are protected by God, and your spirit rests in the next world. But we will have your goods returned. Because justice was not fully served on the day of surrender in 1945.

We have not forgotten the despondency of the final moments. And we have demands from and messages to the once Nazi-occupied European countries, and the neutral nations:

You will not benefit from the deposits or the possessions of those who were murdered. We are all too aware of the ''dormant'' accounts.

There are no dormant accounts. And there are no dormant memories.

Because each individual is a messenger, and there is no man who does not have a mission.

And, it is not our mission because of the individual or for the individual. Rather, this is the mission of the individual on behalf of his people.

One individual comes to the world to teach, and another to learn. One person comes into the world to cry, and the other to console. One person is born to live, and yet you were born and then died so soon. Was this your mission? You died so that we could live. And we were born to remember.

Today, we are your messengers, Messengers who must remember to live by your commandments. To have the ultimate Jewish revenge—the revenge of peace, as in the Jewish prayers that we say three times per day:

Bring upon us peace and goodness and a blessed life, grace and kindness, upon us and the entire House of Israel, amen. Bless us our Father, each of us as one in the glorious light of your powers, because the light of your powers gave us the Torah and the love of kindness, and the love of charity and blessings and mercy and life and peace.

And it would please you to bless us, and to bless your entire House of Israel at every moment and at every hour and the strength of your peace be upon us. Blessed art thou, our Lord who blesses his people of Israel in peace.

Amen. May their memories be a blessing.

WELCOMING REMARKS BY BENJAMIN MEED, CHAIRMAN, DAYS OF REMEMBRANCE, U.S. HOLOCAUST MEMORIAL COUNCIL

Members of the Diplomatic Corps, distinguished Members of Congress, Honorable members of the Holocaust Memorial Council, Fellow Survivors, Dear Friends.

When Congress created the United States Holocaust Memorial Council in 1980, there were only a few Yom Hashoah observances held in communities of Holocaust survivors living in this country. You, the Members of Congress, entrusted us, the members of the Council, with the responsibility of teaching American citizens about the Holocaust. We have complied with your mandate by building the Holocaust Memorial Museum, which most of you have visited, and by leading the nation in annual civic commemorations, known as the Days of Remembrance. I am privileged to tell you that now, during this week of Holocaust Remembrance, more than a million people from all the states of our great Union will come together in Memory. We are joined by Governors, Mayors and community leaders as well as professors, teachers and schoolchildren.

Earlier today, the entire nation of the State of Israel stopped and stood silent in Remembrance. We are together in dedication to Memory and aspiration for Peace.

Over the past fifteen years that we have gathered to commemorate in this Rotunda, we have observed an anniversary—the fiftieth year of a milestone event: the Night of Broken Glass, the Warsaw Ghetto Uprising, the encounter between American soldiers and Holocaust survivors.

This year we confront the anniversary of the aftermath of the Holocaust: what happened as we survivors attempted to rebuild our lives. This was not an easy thing to do. It was years before we could ask a policeman for directions. Why? Because he was wearing a uniform. For a long time, it took great courage just to answer a knock on the front door.

It is true that we looked to the future in hope, but the shadows of the past remained. And so we dedicated our lives to Remembrance—remembrance of all those for whom the future had been destroyed by the Shoah.

Rebuilding became a central concern for the world—rebuilding a Europe devastated by war; rebuilding the shattered image of humanity in a world of Auschwitz, Belzec and Treblinka. America understood the necessity of encouraging the European nations to work together for economic recovery. Thus the Marshall Plan was implemented, and the groundwork for the Europe of today was laid.

The Allied leaders also realized that to build a sound future, there had to be an accounting for crimes so great as to be unparalleled in recorded history.

Nuremberg, the city where Nazi party pageants had been held, the place where the Nuremberg Laws were promulgated and the German legal system became an accomplice to mass murder, was chosen as the site for the first, joint International Military Tribunal.

In its charter, three forms of crimes were specified. Two of them were ancient, but one was unprecedented. Crimes against the peace and war crimes were familiar terms to all of us, but Crimes Against Humanity was a new category. It described mass murder and extermination, enslavement and deportation based on racial, religious, or political affiliation.

Through the proceedings of the Nuremberg Trials, we came to know the perpetrators. Documents that the killers had so carefully created were gathered and studied. In the defense testimony of accused doctors, judges and industrial leaders as well as military generals, Einsatzgruppen commanders, and concentration camp commandants, the world learned ''how the crimes were committed.'' We also learned that tens of thousands of ordinary Germans from all walks of life had willingly participated in the annihilation process. Ironically, those on trial pled not guilty to the charges, they did not claim innocence. Rather, they attempted to shift the burden of responsibility to those of higher rank.

Was justice achieved? Certainly not! For what meaning can justice have in a world of Majdanek, Chelmno and Sobibor? What punishment is appropriate for the crimes?

Still, the attempt to speak of justice was important. It was a way of setting limits, of saying there are crimes so evil and so enormous that civilization itself is on trial. For such crimes, there must be punishment.

For many years at hundreds of commemorations around the world, we have pleaded Zachor—Remember. Remember the children of Teresienstadt. Remember the fighters of Warsaw. Remember the poets of Vilna. Remember all of our lost loved ones.

Today, let us also not forget the killers. Let us not forget their evil and their infamy. Let us not forget them because they express what happens to the power of government and the majesty of legal systems that become detached from moral values and humane goals. The same powers that heal and help can also humiliate and decimate. There is a difference; there must be a difference: and you and I must make sure that we make a difference.

With these words, here in this great Hall of democracy, let us recommit ourselves to the principles of justice and liberty for all—and to Remembrance—now and forever.

Thank you.●

TAKE OUR DAUGHTERS TO WORK DAY

● Ms. SNOWE. Mr. President, I rise today on Take Our Daughters to Work Day, to encourage young women and girls across America to set their sights high, and to reach for their dreams.

When I was a young girl, most women worked in the home. Girls were not frequently asked, ''What do you want to be when you grow up?'' Our options appeared limited, and we had far fewer women role models telling us, ''If you work hard, you can be whatever you put your mind to.'' Some women broke the gender barrier, and served as role models for a whole generation of young women and girls. One such woman was Margaret Chase Smith, whose service in this body inspired many girls and young women in Maine and across the Nation to seek a career in politics.

Since my childhood, the composition of the work force has changed dramatically, and job opportunities have significantly increased for young women and girls. Today, women comprise 46 percent of the paid labor force, and by the year 2000, two out of three new entrants into the labor force will be women.

Despite these gains, studies show that during adolescence girls often receive less attention in school and suffer from lower expectations than do boys. They also set their future sights lower than their male counterparts. This is reflected in a 1994 New York Times/CBS poll, which found that over one-third of girls surveyed believed that there are more advantages to being a man than a women. For many girls, low self-esteem can lead them to lose confidence in their abilities, which may prevent them from achieving their fullest potential later in life. For others, this low self-esteem can lead to teen pregnancy, drug use and other problems which threaten women's professional and economic opportunity, not to mention their health and social welfare.

In this day and age, we cannot accept reduced opportunities for girls and women from either an equity standpoint or an economic one. Today, women are equally responsible for the financial well-being of their families. Many American families find two incomes a necessity if they wish to thrive, and others require two incomes simply to stay above poverty. So it is not just their own futures that are at stake, but the future of their children and their children's children.

We need to do far more to challenge our daughters' notions of women's work. While most school-age girls plan to work, they do not plan for careers that could sustain themselves and

their families. Women and girls continue to be enrolled in education and training programs that prepare them for low-wage jobs in traditionally female occupations. Women remain significantly underrepresented in careers requiring math and science skills—women comprise only 11 percent of today's technical workforce, and only 17 percent of all doctors are women. Nearly 75 percent of tomorrow's jobs will require the use of computers, but girls comprise less than one-third of students enrolled in computer courses. And a study by the Glass Ceiling Commission found that women occupy only 5 percent of senior-level management of the top Fortune 1000 industrial and 500 service companies. As leaders and as parents, we must do our best to ensure that American girls are prepared to step into those high wage jobs and management positions that command higher salaries in the workforce.

I am extremely pleased to participate on the steering committee for Take Our Daughters to Work Day, organized by the Maine's Women's Development Institute, in my home State. Girls in Maine and across the Nation need to see first-hand that they have a range of life options. They need that extra support to boost their confidence and believe in themselves and their potential. They need to be encouraged to reach out and use their creative spirit. It is our responsibility to set high standards and provide them with the experiences and role models that will inspire them to be the leaders of the future.

Today, millions of parents across the Nation are taking their daughters to work. These parents perform a great service by exposing their daughters to new and exciting experiences. They are not only expanding their horizons and helping them to explore career opportunities, but teaching them important lessons about goal setting as well. Take Our Daughters to Work Day is of great importance to girls across the Nation, and to the women of tomorrow.●

TRIBUTE TO THREE OF DELAWARE'S FINEST CITIZENS—THE ALLEN BROTHERS: CHARLES, JR., WARREN, AND JACK

● Mr. BIDEN. Mr. President, I rise today to pay tribute to three brothers who are pioneers in Delmarva's flourishing poultry business. Over the past 50 years, Charles C. Allen, Jr.; Warren L. Allen; and John R. ''Jack'' Allen, have built what was once a small, mom and pop family business, into one of our Nation's top poultry companies, Allen Family Foods Inc. Their contributions to the industry and to our State of Delaware are as rich and diverse as the history of the poultry business itself, and I congratulate them on their half-century of dedication and achievement.

Their parents, C. Clarence and Nellie Allen, first got into the poultry business in 1919, incubating about 250 chicks. Things got off to a bit of a shaky start for the Allens. On one occasion Nellie banished Clarence to the garage after one of his chicken incubation experiments nearly burned their house down. But the Allens persisted and 4 years later in 1923, the family expanded the operation by purchasing a 38-acre farm on the outskirts of Seaford, DE. This 100-year-old farmhouse became one of the first commercial chicken houses on the Delmarva peninsula and remains the company's headquarters.

Charles Jr., Warren, and Jack continued the family tradition and expanded this once-modest enterprise vigorously through the years. Today, Allen's Family Foods is a privately held, multimillion dollar, integrated poultry company. Allen's processed chicken is sold in stores from Virginia to Massachusetts. Charles C. handles the farming side of the business; Warren is vice president in charge of finance; and Jack is secretary-treasurer. The elder Allens have in turn brought their three sons: Charles C. Allen III; John R. Allen, Jr.; and Warren L. ''Wren'' Allen Jr., into the business, ensuring that Allen's Family Foods will be operating in Delaware well into the next century.

In addition to this commercial success, the Allen family has made tremendous contributions to their community. Warren Allen served three 2-year terms as the Delaware State Representative for the 38th district, in addition to service as the chairman of the advisory council of the Delaware Home and Hospital for the Chronically Ill in Smyrna, and on the board of trustees of the Delaware State Hospital. Charles Allen was campaign manager for the hospital's expansion fundraising drive. Their generosity also led to the creation of the Allen Little League baseball field at Williams Pond. For their lifetimes of service, the Delmarva Poultry Industry recently honored Charles, Jr., Warren, and Jack as the 1995 distinguished citizens; the first time in history that this award has been shared by three members of one family. I can think of no more deserving individuals and I again extend my congratulations to the Allen family.

The story of Allen's Family Foods encompasses all that is just and good in America: Ingenuity, perseverance, dedication, and compassion for our fellow citizens. Simply put, Delaware is a better place because of the Allen Family. Again, I extend my heartfelt congratulations to my friends Charles, Jr., Warren, and Jack, and wish them many more years of health, happiness, and prosperity.●

HUMANITARIAN AID TO LEBANON

● Mr. ABRAHAM. Mr. President, I rise today to express my disappointment in the aid package for Lebanon which was recently announced by the Clinton administration. The aid package consisted of a mere $1 million to fulfill the International Committee for the Red Cross request, an additional $25,000 from USAID through the U.S. Embassy in Beirut, and 50,000 pounds of U.S. military medical supplies and equipment.

Due to the most recent violence in Lebanon, some 400,000 refugees have been displaced. There is an extreme amount of pressure upon the country's infrastructure, particularly in Beirut where there is very little electricity. In southern Lebanon it has been reported that the water supply has been cut off to dozens of villages. The Lebanese people have suffered greatly over the last two decades, but they are particularly in need of urgent assistance. The United States has always viewed Lebanon as a good friend and ally, and thus the United States should make a greater commitment of resources.

Considering the President's past emergency aid packages of $59 million for Rwandan and Burundi refugees and $11 million for Cuban and Haitian refugees, the Clinton administration efforts with respect to Lebanon is clearly and grossly insufficient. For approximately the same amount of refugees in Russia, this administration donated 1.2 million pounds of medical supplies and equipment. This inequity with respect to Lebanon is clearly unfair.

Mr. President, I urge the Clinton administration to immediately redouble its aid efforts to Lebanon. In addition, as I have done for the past week, I urge the administration to utilize all of its diplomatic resources to negotiate a cease fire in this region and to bring and end to the hostility immediately.●

RECOGNIZING STUDENTS FROM TRUMBULL HIGH SCHOOL

● Mr. LIEBERMAN. Mr. President, today I would like to recognize a group of students from Trumbull High School. This weekend, April 27–29, 1996, more than 1,300 students from 50 States and the District of Columbia will be in Washington, DC to compete in the national finals of the We the People—The Citizen and the Constitution Program. I am proud to announce that a class from Trumbull High School will represent Connecticut. These young scholars have worked diligently to reach the national finals by winning first place at the statewide competition in Connecticut.

The distinguished members of the team representing Connecticut are: David Abbate, Stephen Britton, Meredith Bucci, William Dunn, Brian Emery, Michael Felberbaum, Kristina Gospic, Pamela Harinstein, Bruce Malloy, Philip Moore, Jessica Paris, Michael Ragozzino, Douglas Rowe, Matthew Rowland, Jason Saunders, John Urbanati, Richard Van Haste and Alison Veno.

I would also like to recognize their teacher, Rita Altieri, who deserves a share of the credit for the success of the team. The district coordinator

Jane Hammer and the State coordinator Joani Byer also contributed a significant amount of time and effort to help the team to the national finals.

The We the People—The Citizen and the Constitution Program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues. Administered by the Center for Civic Education, the We the People—Program, now in its ninth academic year, has reached more than 70,400 teachers and 22,600,000 students nationwide at the upper elementary, middle, and high school levels. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

The We the People—Program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. I wish these students the best of luck in the national finals and look forward to their continued success in the years ahead.●

WATER RESOURCE RESEARCH ACT

● Mr. THOMAS. Mr. President, I am pleased that today the Senate will pass H.R. 1743, a bill to reauthorize the Water Resource Research Act, as amended by the Senate Committee on Environment and Public Works. This is a small, but vitally important piece of legislation that gained unanimous support in the House of Representatives, as well as the Environment and Public Works Committee here in the Senate. I want to thank Senator KEMPTHORNE and Senator REID, along with Chairman CHAFEE and Senator BAUCUS for working with me to ensure the swift passage of this legislation. Their hard work, and that of their staffs, is greatly appreciated.

H.R. 1743 extends the authorization for the water resources research institutes program through the year 2000. The water resources research institutes program is a vital Federal/State water research, education and information transfer partnership. This program supports a network of institutes at the land grant colleges in each of the 50 States, 3 trust territories and the District of Columbia. These institutes are the primary link between the academic community, the water-related personnel of the Federal and State government, and the private sector. The institutes provide a mechanism to promote State, regional and national coordination of water resources research and training, as well as information transfer. This is a very productive program. In fiscal year 1995, the Federal appropriation for the water institutes—under $5 million—leveraged approximately $65 million from State, private and other sources to support the institutes research and training activities.

Federal regulations and programs designed to solve water problems have their primary impact at the State and local level. State and local governments are in a far better position to tailor solutions to local water problems than the Federal Government. Programs such as the water resources research institutes are an efficient and effective way for the Federal Government to assist States to conduct research and solve problems in the water resources field. In administering the State water resources research institute program, the Interior Department and the Geological Survey distribute funds equally among all the institutes. The State institutes then award research funds through a competitive, peer review process. Institutes have advisory panels comprised of local, State, and Federal water officials, representatives from water user groups and other interested parties, which develop yearly research priorities for their States and review the allocation of funds among various competing projects. This is the true strength of this program. Individual State institutes are able to focus grants on research that addresses the most pressing water problems in that State. There have been efforts made to strengthen the competition for funding between the individual water institutes. I have serious concerns about that. We must fund this program at a level that allows us to maintain the network of institutes in every State. In addition, we must preserve the role of the advisory panels in each State, continuing to allow each State to determine the research agenda for themselves. I would hope the Department of Interior would not impose new restrictions on State water resources research programs in the future.

In addition to the core program, I am pleased the bill before us contains an authorization for a second program focused on regional issues. I amended the House bill to include this important program, which will allow the institutes to conduct research of regional, interstate issues. Increasingly the water issues we're asking States to deal with are of a regional, interjurisdictional nature. The bill as amended in committee reauthorizes the section 104(g) program to support this needed interdisciplinary research and analysis necessary for assessing regional and interstate water resource problems.

Finally, Mr. President, this bill takes a realistic look at future funding. This bill funds the institute programs at a level more in line with historical appropriations, reducing the current authorization by more than 40 percent below the current authorized level.

This is a good bill, a good program, and I'm pleased the Senate is moving ahead with passage today. I'm hopeful the House will agree to our changes quickly and we can get this bill signed into law without delay. Thanks again to the leadership of the Environment and Public Works Committee for working with me on this legislation.

COMMEMORATING THE TENTH ANNIVERSARY OF THE CHERNOBYL TRAGEDY

● Mr. BIDEN. Mr. President, I rise today to solemnly commemorate the tenth anniversary of the worst nuclear accident since the dawn of the nuclear age.

On April 26, 1986, a flawed structural design and operator error caused a sudden power surge within reactor number four at the V.I. Lenin atomic power plant in Chernobyl, Ukraine.

The resulting chemical explosion vaporized nuclear fuel, melted the reactor's substandard shell and released into the atmosphere a gigantic, 180-ton cloud of deadly radioactive iodine, cesium and other lethal isotopes—containing 200 times the amount of radioactive material emitted during the atomic blasts at Hiroshima and Nagasaki.

Within a 4-month period, 31 power plant employees and cleanup workers died of acute radiation poisoning. Tens of thousands of other Ukrainian and Belarusian men, women and children suffered radiation sickness. Invisible fallout—detected as far away as California—contaminated forever more than 10 million acres of nearby forests and farmland, permanently poisoning the local food chain.

When the magnitude and the severity of the catastrophe became clear, close to 200,000 people were hastily and permanently evacuated from the rich, fertile land which was their home for generations. The Chernobyl area—once lush with old-growth forests rich in mushrooms, berries and other medicinal herbs—is now a 30 kilometer dead zone.

Human habitation is strictly forbidden.

A decaying, 24-story concrete tomb known as the sarcophagus now encases the destroyed reactor, serving as a grim reminder of this dark page in human history.

A decade later, those affected continue to struggle with the lingering health effects. The incidence of adolescent thyroid cancer throughout northern Ukraine and nearby Belarus is an astounding 200 percent higher than average, due in part to the consumption of poisoned milk.

Already 800 children have contracted the disease, and experts say that as many as 5,000 will develop it.

The incidence of radiation-related birth defects in the region has doubled. A team of British and Russian scientists recently concluded that genetic DNA mutations caused by radiation poisoning are being passed along to a generation of children who did not even exist at the time of the accident.

Whether these malformations will affect the future health of these children is a mystery.

Many surviving Chernobyl victims also suffer from a myriad of psychological disorders, more difficult to identify and treat but every bit as harmful as the physiological effects of radiation.

Sadly, a recent study comparing mortality rates before and after the disaster places the total number of fatalities at roughly 32,000.

Despite these disturbing findings, we really know very little.

Information on radiation exposure is incomplete and unreliable, and many of those affected have moved or relocated hampering study efforts. Others may suffer from yet-to-be diagnosed diseases caused by prolonged exposure to unsafe levels of background radiation.

It is unlikely that we will ever know the true scope of this tragedy.

Though two of Chernobyl's four nuclear units remain operational, I am pleased that President Clinton and Ukrainian President Lenoid Kuchma agreed to an accord earlier this year to close the facility completely by the year 2000.

I am also pleased that the United States is committed to improving international nuclear reactor safety.

I am hopeful that more can be done for the afflicted region, and was heartened by the serious dialog at last week's G–7 nuclear safety summit in Moscow.

These are all important steps toward putting this devastating tragedy behind the Ukrainian people.

I also want to pay tribute to the compassion of the Ukrainian-Americans who have remained steadfast in their support for Chernobyl's victims.

Mr. President, the legacy of the Chernobyl disaster extends beyond nationalistic and ethnic boundaries and reaches all humanity.

Indeed, fallout from the accident affected 5 million people and set off monitors throughout the Northern Hemisphere.

Radiation knows no borders.

Here in the United States, I am comforted by the knowledge that because of our superior design and safety standards a Chernobyl-type event is, for all practicable purposes, an impossibility.

The Chernobyl facility never would have been permitted to open under our regulations.

Nonetheless, we can never be too vigilant in our efforts to ensure that nuclear power plants are operated in the safest possible manner.

As my colleagues in this body know, I have long believed that there exists an inherent conflict of interest in our nuclear regulatory system that requires the Nuclear Regulatory Commission to sit in judgment of itself.

NRC's two functions—providing day-to-day oversight and investigating serious events—are incompatible in my view.

For this reason, I have asked the General Accounting Office to look into the extent to which this conflict is responsible for events and accidents at nuclear plants.

I also propose that we remove the investigatory functions from the NRC, and give these functions to an impartial, truly independent nuclear safety board.

This watchdog would have broad authority to look into all circumstances surrounding any accident and to lay blame where it rightfully belongs—whether it is the utility, the reactor manufacturer, or the NRC.

By removing the structural conflict which currently exists within the NRC, it is my hope that we can regain the public's confidence and provide the utmost degree of safety to all Americans.

I look forward to working with my colleagues as we strive to restore needed objectivity to the oversight process.

Mr. President, the 10th anniversary of the Chernobyl disaster is more than just a reminder of the potential cost of nuclear energy.

It is a call to us, our Nation's elective representatives, to work together to ensure the safe operation of nuclear power, both domestically and internationally, for our children and our grandchildren.

Let us not watch this day pass without thoroughly and carefully examining our current nuclear regulatory system. All of humanity is depending on us.●

AUTHORIZATION FOR THE USE OF THE CAPITOL GROUNDS

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 166, which has just been received from the House of Representatives.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 166) authorizing the use of the Capitol Grounds for the Washington for Jesus 1996 prayer rally.

Mr. WARNER. Mr. President, I ask unanimous consent that the concurrent resolution be considered and agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 166) was agreed to.

The preamble was agreed to.

Mr. WARNER. Mr. President, I thank the distinguished ranking member of the Rules Committee, Mr. FORD. I raise this matter in my capacity as chairman of the Rules Committee. We did not have time, given the nature of the schedule, to take it up in the Rules Committee but both sides have cleared this.

I also thank the distinguished majority leader and the Senator from Missouri, [Mr. ASHCROFT], for their cooperation and support.

COMMEMORATING THE 1996 NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 251 submitted earlier today by myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 251) to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. KEMPTHORNE. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 251) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 251

Whereas, the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our childrens' right to receive an education in a crime-free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas, 162 peace officers lost their lives in the performance of their duty in 1995, and a total of 13,575 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers is assaulted, 1 in 25 is injured, and 1 in 4,000 is killed in the line of duty;

Whereas, on May 15, 1996, more than 15,000 peace officers are expected to gather in our nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved by the Senate of the United States of America in Congress assembled, That May 15, 1996, is hereby designated as "National Peace Officers Memorial Day" for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

CONGRATULATION TO THE SIOUX FALLS SKYFORCE ON WINNING THE 1996 CONTINENTAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 252 submitted earlier today by Senators PRESSLER and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 252) congratulating the Sioux Falls Skyforce, of Sioux Falls, South Dakota, on winning the 1996 Continental Basketball Association Championship.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRESSLER. Mr. President, due to a last second shot at the buzzer, South Dakota is home to the newest champions of professional basketball. Last night, the Sioux Falls Skyforce were crowned Champions of the Continental Basketball Association (CBA). The Skyforce dramatically defeated the Fort Wayne (Indiana) Fury, 118–117, after overcoming a 16-point deficit. That is my kind of deficit reduction.

In honor of this event, I am introducing a Senate resolution congratulating the Skyforce, and their fans, for this victory. I am pleased that Senator DASCHLE has also agreed to cosponsor the measure.

At this time, I want to personally extend my congratulations to the owners of the Skyforce, Greg Heineman, Robert J. Correa, and Roger Larson, General Manager Tommy Smith, and the Skyforce staff, for guiding the Skyforce to its first CBA Championship in the team's 7-year history. I also congratulate Head Coach Morris ''Mo'' McHone, Assistant Coach Paul Woolpert, and the talented Skyforce players, especially Playoff MVP Henry James. Their hard work, sweat, and determination really paid off when it counted. The Skyforce won the championship convincingly, beating Fort Wayne four games to one.

Most of all, I congratulate the people of Sioux Falls and the surrounding area. They have enthusiastically embraced the Skyforce and provided loyal support over the years. The success of the Skyforce, and the CBA as a league, prove that professional basketball can survive and prosper in smaller cities across the Nation. I have been to many Skyforce games. Their games are always very fun and exciting. It is family-orientated entertainment at its best.

Sioux Falls is rapidly becoming a sports mecca in the Midwest. The city's current professional baseball team, the Sioux Falls Canaries, have been playing in the northern league since 1993. But the city has been home to a number of professional baseball teams since the beginning of the century. Professional teams from other sports would do well to take note of the city's enthusiasm for sports and consider moving to Sioux Falls.

Finally, Mr. President, let me state that I was thrilled to learn of the Skyforce victory for personal reasons. Before the final series began for the CBA Championship, I made a small wager with the Senator from Indiana, Senator COATS. I gambled 12 pounds of South Dakota's finest steak, while my colleague risked 12 gallons of Edy's Grand Ice Cream, made in Fort Wayne. This afternoon, my good friend from Indiana graciously paid off. I will gladly take a scoop or two, but I will be sharing the fruits of this victory with several children's charities in Sioux Falls.

Mr. President, I ask consent that a roster of the Skyforce players and staff, along with a news article about the Skyforce victory, be printed in the RECORD.

I yield the floor.

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

1995–96 SIOUX FALLS SKYFORCE

PLAYERS

Stevin Smith, Reggie Fox, Trevor Wilson, Henry James, Corey Beck, Carlton McKinney, Emmett Hall, Tony Massop, Rich King, Devin Gray, Mike Williams.

COACHES

Morris ''Mo'' McHone, Paul Woolpert.

OWNERS

Greg Heineman, Robert J. Correa, Roger Larson.

STAFF

Tommy Smith, John Etrhelm, Renae Sallquist, Tom Savage, Laura Musser, Sandra Hogan, Tim Hoover, Trent Dlugosh, Scott Brako, Scott Johnson.

[From the Sioux Falls Argus-Leader, Apr. 25, 1996]

WE'RE NO. 1—GRAY'S SHOT GIVES SKYFORCE TITLE

(By Stu Whitney)

FORT WAYNE, IND.—If Devin Gray didn't have NBA playoff tickets, the Skyforce might not be the Continental Basketball Association champions today.

But he does. And Sioux Falls has something to scream about.

Gray wanted to end the CBA Finals on Wednesday night so he could catch tonight's first-round game in Indianapolis between the Pacers and Atlanta Hawks. He got front-row tickets from his friend Dale Davis, who plays for Indiana.

The rookie forward made it happen by swishing a leaning 7-footer at the buzzer, giving the Skyforce a 118–117 Game 5 win over the Fort Wayne Fury before 4,377 at the Allen County War Memorial Coliseum.

Gray's drive from the right side sealed the fifth consecutive road victory for Sioux Falls, which took the best-of-seven series 4–1.

And after seven years of searching for greatness, this ambitious franchise has finally—and emphatically—reached the top.

''If I had to draw the play up, I'd do it the same way,'' a beaming Gray said as his teammates eagerly embraced the Jay Ramsdell Trophy with help from owners, wives, girlfriends and fans.

''I was looking to get the rock and go to the hole, and I figured I'd either make it or get fouled. They didn't call the foul, so I'm glad it went in. I was laying on the court when it did.''

Playoff MVP Henry James led Sioux Falls (42–26) with 26 points, while Trevor Wilson added 24 and Reggie Fox had 20 behind four 3-pointers.

James was hugged by his mother, Betty, after winning his second CBA title before 75 family members and friends in his hometown.

And he professed faith in the timely touch of Gray.

''I was used as a decoy, and I knew his shot was going in,'' said James, donning a freshly furnished Skyforce championship cap and T-shirt.

''He was able to lower his shoulder moving along the baseline, and you can't let him do that. He's too strong. We've all seen him make that shot a million times.''

But Fort Wayne—which got 29 points from Jaren Jackson and Carl Thomas—refused to end its surprisingly successful season without an admirable and fitting fight.

The Fury (32–38) led by as many as 15 points in the third quarter and nearly forced Game 6 in Sioux Falls with a heroic shot of its own.

Thomas, who struggled mightly in the first four games, gently coaxed in a driving one-hander with 2.9 seconds left to give his team a 117–116 lead that delighted the devoted crowd.

But during the ensuing timeout, Skyforce coach Mo McHone figured that Fort Wayne would be mainly concerned about the Skyforce/See 5C perimeter potency of James and Fox.

Having seen Gray perform with toughness and maturity throughout the playoffs, he called upon his seventh-round draft pick out of Clemson, who finished with 17 points.

Gray had missed two crucial free throws with 35 seconds left, but he had also preceded Thomas' basket with a strong drive that put Sioux Falls briefly ahead by one.

''Devin's been on five for us, and Trevor set him up with a great (inbounds) pass,'' said McHone, who is the first coach to claim consecutive CBA titles since Bill Musselman won four in a row (1985–88).

''We've been winning games like this, and this was such a great way to end it. We just fought hard all night, because we had to. They pretty much outplayed us.''

But never was McHone worried, not with a team that has frequently floored him during a magical playoff run.

By winning three straight to clinch the title on Fort Wayne's floor, the Skyforce once again displayed a maturity that stemmed from having a meaningful mission.

''We were lucky and good—and we came together when it counted,'' said Wilson, who added 11 rebounds and six assists.

''Earlier in the season, we were trying to win, but guys were also worrying about NBA callups and overseas offers. There was a little more selfishness at that point.

''When the playoffs started, everyone realized there was one common goal, and we did what we had to do.''

Both Wilson and Fox said they wanted to return to Sioux Falls, but not for a basketball game. Only for a celebration.

And when the CBA's finest team crooned ''We Are The Champions'' as cameras captured the moment, it seemed celebrating was the only logical thing to do.

Mr. KEMPTHORNE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating

to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 252) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 252

Whereas the Sioux Falls Skyforce are the 1996 Champions of the Continental Basketball Association, a professional basketball league consisting of 12 teams from around the country;

Whereas the Sioux Falls Skyforce defeated the Fort Wayne Fury, of Fort-Wayne, Indiana, 4 games to 1 in the best-of-seven championship series;

Whereas the 1996 Continental Basketball Association Championship is the first championship in the 7-year history of the Sioux Falls Skyforce;

Whereas the Sioux Falls Skyforce players exemplify the virtues of hard work, determination, and a dedication to developing their talents to the highest levels; and

Whereas the people and businesses of Sioux Falls, South Dakota, and the surrounding area have demonstrated outstanding loyalty and support for the Sioux Falls Skyforce throughout the 7-year history of the team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Sioux Falls Skyforce and their loyal fans on winning the 1996 Continental Basketball Association Championship;

(2) recognizes and commends the hard work, determination, and commitment to excellence shown by the Sioux Falls Skyforce owners, coaches, players, and staff throughout the 1996 season; and

(3) recognizes and commends the people of Sioux Falls, South Dakota, and the surrounding area for their outstanding loyalty and support of the Sioux Falls Skyforce throughout the 7-year history of the team.

THE 10TH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Con. Res. 56, introduced by Senator LAUTENBERG.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 56) recognizing the 10th anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear power plant.

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOLE. Mr. President, I am pleased to join Senator LAUTENBERG in offering this legislation to remember the 10th anniversary of the terrible nuclear accident at Chernobyl. While 10 years have passed since that tragic day, the health and economic consequence of Chernobyl continue to be borne by the Ukrainian people.

I recall quite well how the Chernobyl accident on April 26, 1986 signaled the inhumanity of the totalitarian system of government. At first, the Soviet Government feebly attempted to deny the incident—with the effect of causing further harm to those who lived in its vicinity. Ultimately, the full scale of the disaster became known, but only after millions in Ukraine, Belarus, Russia, and Poland had been exposed to radioactive fallout.

That a government could be so brutal to its people is no surprise to those of us who worked for many years to confront and defeat the totalitarian system. That the Soviet Government could be so brutal to the people of Ukraine was no surprise to a people who endured the forced starvation, massacres, and genocidal policies of Joseph Stalin in the 1930's. The radioactive wasteland around Chernobyl will, unfortunately, serve as a lasting and hideous monument to refute those who would defend such a system, or whose historical memory has faded sufficiently to allow them to forget its evil.

Within the catastrophe at Chernobyl were sown the seeds of the downfall of the Soviet system. A fiercely independent people such as the Ukrainians cannot be subjected forever to such abuse. I am proud of the role that I was able to fulfill in the Congress, in full support of Presidents Reagan and Bush, as the United States prevailed, the Soviet Union collapsed, and Ukraine again became an independent state in the momentous year of 1991. I was proud to sponsor legislation which called for direct United States aid to the republics, rather than through Moscow in 1990. The goal of defeating communism and achieving independence for Ukraine was not easily achieved, it was one that required the combined efforts of many nations and many people, including the Ukraine-American community, who simply refused to accept that communism would prevail over the spirit of Ukrainians.

Democracy is prevailing in Ukraine today, but the Ukrainian people and Government continue to shoulder the burden of the Chernobyl disaster. Just as the United States joined with the Ukrainian people to defeat communism, we work in partnership to overcome the tragic consequences of Chernobyl. I was pleased to support the Republican initiative in Congress to provide Ukraine with $225 million in assistance this year, including specific assistance to nuclear safety, the development of alternatives to nuclear power and to address the ongoing health problems due to the Chernobyl disaster. I am certain that working together we can bring peace, prosperity, and a better quality of life to the people of Ukraine. I urge my colleagues to support our resolution.

Mr. D'AMATO. Mr. President, I am pleased to cosponsor Senate Concurent Resolution 56, which recognizes the 10th anniversary of the Chernobyl nuclear disaster, the worst of its kind in history, and supports efforts to close the Chernobyl nuclear powerplant.

In the early morning hours of April 26, 1986, reactor number 4 at the Chernobyl nuclear power plant in northern Ukraine exploded, releasing massive amounts of radioactive substances into the atmosphere. This explosion released 200 times more radioactivity than was released by the atomic bombs at Hiroshima and Nagasaki, profoundly affecting the health of millions of people in the surrounding contaminated areas.

A decade after, Chernobyl's legacy continues and shows no signs of abating. At a hearing earlier this week of the Helsinki Commission, which I cochair, four experts, including the Ambassadors to the United States from both Ukraine and Belarus, the countries most adversely affected by the explosion, testified eloquently about the environmental, health, social, political, and economic consequences of the Chernobyl disaster. Their testimonies only reinforced the fact that Chernobyl's deadly fallout continues.

Thyroid cancers, especially among children in the contaminated areas in Belarus and Ukraine have risen dramatically. The rate of leukemia, and of birth defects, appears to be increasing. And an article in today's New York Times reports that scientists claim that they have found inherited genetic damage in people exposed to the fallout. While the depressing consequences to human health and the environment are increasingly coming to light, we need to understand more about the ongoing ramifications of the disaster.

Mr. President, Senate Concurrent Resolution 56 addresses the legacy of Chernobyl, recognizing the serious health and socioeconomic consequences for millions of people in Ukraine, Belarus, and western Russia. Ukraine and Belarus, in the process of a painful transition following 60 years of communism, simply are unable to deal with the full consequences of what is, ultimately, a global problem. The resolution calls upon the President to support continued and enhanced assistance to provide medical relief, humanitarian assistance, and hospital development for the countries most afflicted by Chernobyl's aftermath. It also calls upon the President to encourage research efforts into the public health consequences of the disaster, so that the world can benefit from the findings. Importantly, the resolution supports the December 1995 Ukraine—G–7 memorandum of understanding which calls for closing the Chernobyl nuclear power plant and broadening Ukraine's regional energy sources to reduce its dependence on any individual country.

Mr. President, continued and enhanced international cooperation is essential to address the suffering of the millions affected, and to prevent future Chernobyls. I urge my colleagues to join with me in supporting Senate Concurrent Resolution 56 as an expression of the American people's concern for the victims of Chernobyl.

Mr. KEMPTHORNE. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, that the preamble be agreed to, and that any statements relating thereto be placed at the appropriate place in the RECORD as if read.

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

So the concurrent resolution (S. Con. Res. 56) was agreed to.

The preamble was agreed to.

S. CON. RES. 56

Whereas April 26, 1996, marks the tenth anniversary of the Chornobyl nuclear disaster;

Whereas United Nations General Assembly resolution 50/134 declares April 26, 1996, as the International day Commemorating the Tenth Anniversary of the Chornobyl Nuclear Power Plant Accident and encourages member states to commemorate this tragic event;

Whereas serious radiological, health, and socioeconomic consequences for the populations of Ukraine, Belarus, and Russia, as well as for the populations of other affected areas, have been identified since the disaster;

Whereas over 3,500,000 inhabitants of the affected areas, including over 1,000,000 children, were exposed to dangerously high levels of radiation;

Whereas the populations of the affected areas, especially children, have experienced significant increases in thyroid cancer, immune deficiency diseases, birth defects, and other conditions, and these trends have accelerated over the 10 years since the disaster;

Whereas the lives and health of people in the affected areas continue to be heavily burdened by the ongoing effects of the Chornobyl accident;

Whereas numerous charitable, humanitarian, and environmental organizations from the United States and the international community have committed to overcome the extensive consequences of the Chornobyl disaster;

Whereas the United States has sought to help the people of Ukraine through various forms of assistance;

Whereas humanitarian assistance and public health research into Chornobyl's consequences will be needed in the coming decades when the greatest number of latent health effects is expected to emerge;

Whereas on December 20, 1995, the Ukrainian Government, the governments of the G–7 countries, and the Commission of the European Communities signed a memorandum of understanding to support the decision of Ukraine to close the Chornobyl nuclear power plant by the year 2000 with adequate support from the G–7 countries and international financial institutions;

Whereas the United States strongly supports the closing of Chornobyl nuclear power plant and improving nuclear safety in Ukraine; and

Whereas representatives of Ukraine, the G–7 countries, and international financial institutions will meet at least annually to monitor implementation of the program to close Chornobyl: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes April 26, 1996, as the tenth anniversary of the Chornobyl nuclear power plant disaster;

(2) urges the Government of Ukraine to continue its negotiations with the G–7 countries to implement the December 20, 1995, memorandum of understanding which calls for all nuclear reactors at Chornobyl to be shut down in a safe and expeditious manner; and

(3) calls upon the President—

(A) to support continued and enhanced United States assistance to provide medical relief, humanitarian assistance, social impact planning, and hospital development for Ukraine, Belarus, Russia, and other nations most heavily afflicted by Chornobyl's aftermath;

(B) to encourage national and international health organizations to expand the scope of research into the public health consequences of Chornobyl, so that the global community can benefit from the findings of such research;

(C) to support the process of closing the Chornobyl nuclear power plant in an expeditious manner as envisioned by the December 20, 1995, memorandum of understanding; and

(D) to support the broadening of Ukraine's regional energy sources which will reduce its dependence on any individual country.

MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2024 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2024) to phase out the use of the mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH. Mr. President, on September 19, 1995, the Senate unanimously passed the Mercury-Containing and Rechargeable Battery Management Act, S. 619. This legislation, which I introduced on March 24, 1995, was cosponsored by Senators LAUTENBERG, FAIRCLOTH, MCCONNELL, LIEBERMAN, SIMON, MACK, BOND, GRAHAM, WARNER, REID, INHOFE, and SNOWE. The purpose of this legislation was to remove Federal barriers detrimental to much-needed State and local recycling programs for batteries commonly found in cordless products such as portable telephones, laptop computers, tools, and toys. In addition to facilitating the recycling of rechargeable batteries made out of nickel-cadmium (Ni-Cd), my legislation also codified the phaseout of the use of mercury in batteries.

The House of Representatives, on April 23, passed by voice vote under suspension, the House version of the battery bill, H.R. 2024. The House legislation, with the exception of some enforcement-related technical changes to the bill that were advocated by the Environmental Protection Agency, is virtually identical to the language contained in S. 619 that the Senate passed 7 months ago.

For the benefit of my colleagues I should like to remind them of what this legislation is intended to do. Most notably the legislation—

First, facilitates the efficient and cost effective collection and recycling or proper disposal of used nickel cadmium (Ni-Cd) and certain other batteries by: (a) establishing a coherent national system of labeling for batteries and products; (b) streamlining the regulatory requirements for battery collection programs for regulated batteries; and (c) encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries; and second, phase out the use of mercury in batteries.

I am pleased to report that not only is H.R. 2024 supported by the U.S. Conference of Mayors, the National Conference of State Legislatures, the Electronic Industries Association, the Portable Rechargeable Battery Association, the National Electrical Manufacturers Association, the National Retail Federation, and the North American Retail Dealers Association, but it is also supported by the Environmental Protection Agency.

The prompt passage of this bipartisan legislation will achieve a number of important goals. First, by establishing uniform national standards to promote the recycling and reuse of rechargeable batteries, this legislation provides a costeffective means to promote the reuse of our Nation's resources. Second, this legislation will further strengthen efforts to remove these potentially toxic heavy metals from our Nation's landfills and incinerators. Not only will this lower the threat of groundwater contamination and toxic air emissions, but it will also significantly reduce the threat that these materials pose to the environment. Third, this legislation represents an environmentally friendly policy choice that was developed as the result of a strong cooperative effort between the States, environmental groups, and the affected industries.

Mr. President, passage of this legislation will not only provide a significant and positive step in removing potentially toxic heavy metals from our Nation's solid waste stream, but it will also provide a cost-effective and sensible method of protecting the environment. If we adopt H.R. 2024 today, this legislation can be quickly sent to President Clinton for his signature, and we can get to work to get these materials out of our solid waste stream and ensure protection of the environment. I urge its immediate adoption.

Mr. CHAFEE. Mr. President, I rise in strong support and urge the adoption of H.R. 2024, the Mercury-Containing and Rechargeable Battery Management Act. The bill is nearly identical to S. 619, legislation introduced by Senator SMITH, reported by the Environment

Committee and approved by the full Senate by voice vote on September 21, 1995.

H.R. 2024 is an industry initiative developed to respond to the environmental threats posed by used, spent batteries. The approach is twofold. First, the bill promotes the recycling of rechargeable batteries through uniform labeling requirements and streamlined regulations for battery collection programs. Second, the bill limits mercury content in and phases out the use of mercury in certain batteries.

The bill is straightforward and contains two titles. Title I would facilitate the efficient recycling of nickel-cadmium rechargeable batteries, small lead-acid rechargeable batteries, and rechargeable batteries used in consumer products through: One, uniform battery labeling requirements; two, streamlined regulatory requirements for battery collection programs; and three, the elimination of barriers to funding voluntary industry collection programs.

Title II is intended to phase out the use of mercury in batteries, thus reducing the threat this material poses to our air and groundwater.

H.R. 2024 and its Senate companion S. 619 are prime examples of industry's concern for the environment. The legislation is an excellent example of a point that I have made many times: protection of the environment and a strong economy go hand in hand. By providing a coherent national system for labeling batteries and products, requiring the easy removability of batteries from consumer products, and streamlining Federal regulations, the Mercury-Containing and Rechargeable Battery Management Act will provide States, localities, consumers, and industry the opportunity to join together to achieve greater environmental protection without imposing burdens on the States or local taxpayers. In fact, the bill will generate substantial savings for Federal, State, and local entities and commercial operations that ship batteries due to the lower cost associated with the bill's streamlined requirements.

H.R. 2024 is legislation supported by the Portable Rechargeable Battery Association and the National Electrical Manufacturers Association. In addition, the administration has expressed its support for the bill. I am convinced that H.R. 2024 will result in greater protection of our environment and I urge its adoption.

Mr. LAUTENBERG. Mr. President, I rise to join Senator CHAFEE and Senator SMITH in supporting H.R. 2024, the Mercury-Containing and Rechargeable Battery Management Act.

The bill is based on the bipartisan bill that I sponsored with Senators FAIRCLOTH, LIEBERMAN, REID, and GRAHAM during the last Congress.

This legislation is an important step in our efforts to control the amount of toxic wastes entering the waste stream. Specifically, it deals with mercury, cadmium, and lead, which are contained in some battery casing. These materials pose no risk while a battery is in use. But they can be a significant concern when discarded in our solid waste stream.

Cadmium, which is used in the electrodes of rechargeable nickel-cadmium batteries, can cause kidney and liver damage.

Mercury exposure can cause significant damage to the nervous system and kidneys. It has also been linked to decreased motor functions and muscle reflexes, memory loss, headaches, and brain function disorders. And when mercury enters the aquatic environment, it can form methyl mercury, which is extremely toxic to both humans and wildlife.

Although dry cell batteries account for less than one-tenth of 1 percent of the 180 billion tons of garbage we generate each year, dry cell batteries have been significant sources of mercury, cadmium, and lead in our waste stream.

According to a New York State report, mercury batteries accounted for 85 percent of the mercury, and rechargeable batteries accounted for 68 percent of the cadmium, in New York's solid waste.

In landfills, dry cell batteries can break down to release their toxic contents and contaminate our waters. In incinerators, the combustion of dry cell batteries containing toxic metals leads to elevated toxic air emissions, and has increased the concentrations of toxic metals in the resulting fly and bottom ash.

This bill, by limiting the amount of toxics used in primary batteries and creating a recycling program for rechargeable nickel cadmium, will remove a significant source of toxics from our landfills.

Mr. KEMPTHORNE. I ask unanimous consent that the bill be deemed read for the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

So the bill (H.R. 2024) was deemed read for the third time, and passed.

AUTHORITY TO SIGN DULY ENROLLED BILLS AND RESOLUTIONS

Mr. DOLE. Mr. President, I ask unanimous consent that I be permitted to sign duly enrolled bills and resolutions during today's session.

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

SEQUENTIAL REFERRAL OF S. 1660

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that if and when the Environment and Public Works Committee reports the bill S. 1660, the National Invasive Species Act of 1996, the bill be sequentially referred to the Committee on Commerce, Science, and Transportation for a period not to exceed 20 calendar days; further, that if the measure has not been reported following that period, it be automatically discharged and placed on the calendar.

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

PRINTING OF SENATE DOCUMENT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the statement submitted with reference to the death of Secretary Brown and other officials at the Commerce Department and from the business community be compiled and printed as a Senate document.

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

MEASURE READ FOR THE FIRST TIME—S. 1708

Mr. KEMPTHORNE. Mr. President, I understand that S. 1708, introduced earlier today by Senator THURMOND, is at the desk.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows.

A bill (S. 1708) to amend title 28 of the United States Code to clarify the remedial jurisdiction of the inferior Federal courts.

Mr. KEMPTHORNE. Mr. President, I now ask for its second reading and, on behalf of Senator DASCHLE, I object.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

UNANIMOUS-CONSENT REQUEST—H.R. 2337

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar No. 374, H.R. 2337, an act to provide for increased taxpayer protections; that one amendment be in order to the measure which will be offered by Senator GRAMM regarding the gas tax repeal; that no other amendments be in order; further, that immediately following the disposition of the Gramm amendment, the bill be read a third time and the Senate proceed to vote on passage of the measure, as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. KEMPTHORNE. Mr. President, I have to object on behalf of the minority leader, and I would state that the Democrats are cleared with no amendments.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR MONDAY, APRIL 29, 1996

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11:30 a.m. on Monday, April 29; further, 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, and there then be a period for morning business until the hour of 2:30 p.m., with the first 90 minutes under the control of Senator DASCHLE and the last 90 minutes under the control of Senator COVERDELL, and that at 2:30 p.m., the Senate resume the immigration bill.

I further ask unanimous consent that Friday, April 26, be considered the intervening day with respect to rule XXII, and the cloture vote occur at 5 p.m. on Monday, and the mandatory quorum under rule XXII be waived.

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

PROGRAM

Mr. KEMPTHORNE. Mr. President, the Senate will resume consideration of S. 1664, the immigration bill, at 2:30 p.m. on Monday, and at that time Senators are urged to offer amendments that may be cleared to the immigration bill.

Senators are also reminded that all second-degree amendments to the Simpson amendment must be filed by 4 p.m. on Monday in order to qualify postcloture.

Mr. President, Senators can expect additional votes on the immigration bill on Monday following the cloture vote; however, no votes will occur prior to 5 p.m. on Monday. The Senate may also be asked to turn to any other legislative items that can be cleared for action.

ADJOURNMENT UNTIL 11:30 A.M. MONDAY, APRIL 29, 1996

Mr. KEMPTHORNE. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:20 p.m, adjourned until Monday, April 29, 1996, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 1996:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN A. GORDON, 000–00–0000, U.S. AIR FORCE.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) THOMAS B. FARGO, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5141:

CHIEF OF NAVAL PERSONNEL

To be vice admiral

REAR ADM. DANIEL T. OLIVER, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. DENNIS C. BLAIR, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. ARCHIE R. CLEMINS, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) ROBERT J. NATTER, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JAMES B. PERKINS III, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. HERBERT A. BROWNE II, 000–00–0000.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR APPOINTMENT IN THE REGULAR AIR FORCE, IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION IN ACCORDANCE WITH SECTION 8067 OF TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED:

MEDICAL CORPS

To be colonel

KATHLEEN S. BOHANON, 000–00–0000

MEDICAL CORPS

To be lieutenant colonel

SCHUYLER K. GELLER, 000–00–0000
ROGER R. HESSELBROCK, 000–00–0000
JANET M. WALKER, 000–00–0000

DENTAL CORPS

To be lieutenant colonel

ROBERT C. PARKER, 000–00–0000

MEDICAL CORPS

To be major

GREGG A. BENDRICK, 000–00–0000
BRUCE T. HEWETT, 000–00–0000

DENTAL CORPS

To be major

JEFFREY C. BANKER, 000–00–0000
DAVID B. CHIESA, 000–00–0000
GIAO V. WEBB, 000–00–0000

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. AIR FORCE IN ACCORDANCE WITH SECTIONS 624 AND 1552 OF TITLE 10, UNITED STATES CODE. THE OFFICER IS ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE:

LINE

To be major

NANCY MELENDEZ CAMILO

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE:

LINE

To be lieutenant colonel

JAMES C. BAIR, 000–00–0000
MARK C. CROCKER, 000–00–0000
LARRY D. HALE, 000–00–0000
TERESA A. HARDEN, 000–00–0000
THERESA G. JEANE, 000–00–0000
EARL K. JUSKOWIAK, 000–00–0000
THOMAS, J. KEOUGH, 000–00–0000
MARK R. KRAUS, 000–00–0000
ROBERT E. LALLY, JR., 000–00–0000
ROBERT L. LEWIS, 000–00–0000
KENNETH A. LUIKART, 000–00–0000
TIMOTHY A.J. MC GREER, 000–00–0000
MARK A. RELFORD, 000–00–0000
RONALD D. STRALEY, 000–00–0000
SIEGFRIED G. VONSCHWEINITZ, JR., 000–00–0000

CHAPLAIN CORP

To be lieutenant colonel

LESLIE R. HYDER, 000–00–0000

BIO-MEDICAL SCIENCE CORPS

To be lieutenant colonel

CHARLES A. MIRANDA, 000–00–0000

NURSE CORPS

To be lieutenant colonel

PATRICIA M. YOW, 000–00–0000

DENTAL CORPS

To be lieutenant colonel

DONALD W. DAVISON, 000–00–0000

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JAMES A. CAVINESS, 000–00–0000
TONY S. CLINTON, 000–00–0000
ANGELIQUE CRAIG, 000–00–0000
DONALD S. CRAIN, 000–00–0000
KARA L. CRISMOND, 000–00–0000
KIMBERLY D. DAVIS, 000–00–0000
ANTHONY E. DELGADO, 000–00–0000
KEVIN A. DORRANCE, 000–00–0000
DAVID M. DROMSKY, 000–00–0000
CARL C. EIERLE, 000–00–0000
STEVEN J. ESCOBAR, 000–00–0000
MARK J. FOWLER, 000–00–0000
JACOB L. FRIESEN, 000–00–0000
JAMES J. GEORGE, 000–00–0000
BRYN J. HAASE, 000–00–0000
KEITH A. HANLEY, 000–00–0000
TERENCE A. HEATH, 000–00–0000
MARK E. HERRERA, 000–00–0000
REID D. HOLTZCLAW, 000–00–0000
SUEZANE L. HOLTZCLAW, 000–00–0000
PRISCILLA HUYNH, 000–00–0000
SEAN R. KELLY, 000–00–0000
JANETH F. KIM, 000–00–0000
MARK A. KOBELJA, 000–00–0000
CHRISTOPHER B. LANDES, 000–00–0000
HENRY LIN, 000–00–0000
THOMAS C. LUKE, 000–00–0000
KEVAN E. MANN, 000–00–0000
JOHN M. MC CURLEY, 000–00–0000
PATRICK M. MC ELDREW, 000–00–0000
MARGARET M. MC GUIGAN, 000–00–0000
MARK E. MICHAUD, 000–00–0000
ERICA S. MILLER, 000–00–0000
ELIZABETH M. NORRIS 000–00–0000
TIMOTHY W. O'HARA 000–00–0000
RALPH H. PICKARD, 000–00–0000
EMERICH D. PIEDAD, 000–00–0000
ANNA M. RAFANAN, 000–00–0000
SARA L. SALTZSTEIN, 000–00–0000
ANDREW W. SCHIEMEL, 000–00–0000
CATHLEEN M. SHANTZ, 000–00–0000
STEVEN T. SHEEDLO, 000–00–0000
CRAIG R. SPENCER, 000–00–0000
MICHAEL S. SULLIVAN, 000–00–0000
ADRIAN D. TALBOT, 000–00–0000
SALLY G. TAMAYO, 000–00–0000
GREGORY T. THIER, 000–00–0000
CHRISTOPHER WESTROFF, 000–00–0000
WILLIAM M. WIKE, 000–00–0000

EXTENSIONS OF REMARKS

ELISEO VASQUEZ MEDINA: AN ORGANIZER'S ORGANIZER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. FILNER. Mr. Speaker, I rise today to recognize Eliseo Medina, executive director of Local 2028 of the Service Employees International Union and the newly-elected executive vice president of the Service employees International Union, who will be honored with a Leadership Award by the San Diego-Imperial Counties Labor Council on April 27, 1996.

Eliseo Vasquez Medina entered the labor movement through the table grape vineyards of Delano, in California's San Joaquin Valley, where he joined the grape strike led by Cesar Chavez and the United Farm Workers, AFL–CIO in 1965. Quickly recognized as a natural leader and organizer, he was sent by Cesar Chavez to Chicago with a phone number and a bag of buttons to head up what became a successful boycott organization in the Midwest. From there he was sent wherever the need existed for his energy, intelligence, and organizational skills.

Within a few years, Eliseo Medina was elected to the executive board of the United Farm Workers, where he became second vice-president to Cesar Chavez. When the agricultural Labor Relations Act was passed in California, he returned to lead numerous successful election drives and negotiate numerous historic contracts.

Beginning in 1978, Eliseo Medina began the second part of his career as an organizer in diverse industries. He was tapped by the American Federation of State, County, and Municipal Employees [AFSCME] to organize employees of the University of California. Thereafter, he moved on to organize the Teas State Employees Union.

Five years later, the Service Employees International Union brought him to San Diego, where he has led and honed its Local 2028, increasing its membership threefold and providing service and leadership to thousands of my constituents in the 50th District of California.

Just this week, Eliseo Medina returned to Chicago, where the Service Employees International Union elected him to one of its highest levels of leadership, executive vice-president.

Mr. Speaker, I join labor leaders in San Diego and across the country in congratulating Eliseo Medina for receiving the San Diego-Imperial Counties Labor Council's Leadership Award. I know he will always be striving to improve the quality of life for the working people of San Diego.

TRIBUTE TO THE CONCERNED CITIZENS OF BELLEVILLE

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to a very special group of Americans from the Eighth Congressional District of New Jersey. Sally Hood, Lyda Panko, John Piecuch, Carol Smith, Angelo Veneziano, and Louise Cordasco, all founding trustees of the Concerned Citizens of Belleville, have embodied the definition of public service.

The individuals who make up the Concerned Citizens of Belleville have maintained a successful civic organization truly dedicated to the service and the betterment of the greater Belleville community. And, as they celebrate their 10th anniversary, I am proud and honored to offer my heartfelt congratulations and best wishes.

These citizens have given generously of their time, energy, and resources in order to foster goodwill and benevolence throughout their community. The Concerned Citizens of Belleville reminds all of us that a community is most profoundly changed not by huge, impersonal institutions, but by people determined to make a positive difference.

The Concerned Citizens of Belleville's 10 years of enduring dedication to their neighbors and friends has brought a sense of great pride and accomplishment to the community. Congratulations for a job well done.

HONORING THE TROUSDALE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Trousdale County Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

DEFICIT REDUCTION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. PACKARD. Mr. Speaker, as a member of the Appropriations Committee, I would like to take a moment to commend my Republican colleagues and Chairman LIVINGSTON for the tremendous progress made in returning fiscal responsibility to Washington.

The Congressional Budget Office recently projected the 1996 budget deficit will fall to $144 billion. This is due to the commitment of the Republican led Congress to rein in unwieldy Federal spending. We have cut spending to its lowest level in 14 years. This means a $23 billion savings for American taxpayers over last year. In fact, my colleagues and I have saved taxpayers $43 billion since gaining control of the Congress in 1995.

We have had to stand tough against the old, big spending culture of Washington. A great deal of credit must go to Chairman LIVINGSTON who has refused to raise spending caps or take spending off-budget. He insisted on finding offsets to pay for $1.3 billion in disaster aid, rather than adding to the deficit. In addition, my colleagues and I have reduced the Federal bureaucracy and eliminated wasteful programs.

The Republican led Congress has continued to fulfill its promise to the American people. We put the brakes on out of control spending and produced the largest down turn in Federal spending in history. We will continue to make tough decisions and keep on our glidepath to a balanced budget.

CLINTON'S BLIND EYE TOWARD IRAN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. SMITH of New Jersey. Mr. Speaker, yesterday the House Committee on International Relations held a timely hearing on U.S. policy toward Bosnia which delved into charges that the Clinton administration tacitly allowed Iran to ship arms to Bosnia via Croatia. Unfortunately, there were more serious questions raised during the course of that hearing than were answered by administration representatives.

As the House sponsor of a bipartisan effort to lift the arms embargo against Bosnia, I am extremely concerned about the implications and consequences of such a policy should these allegations indeed be substantiated. It is ironic that President Clinton apparently was willing to turn a blind eye toward Iran while blocking a majority in the Congress—a bipartisan majority—that called for the United States—not Iran—to take the lead in upholding Bosnia's legitimate and fundamental right to defend itself.

Should the Bosnians have been given the means to defend themselves in the face of aggression and genocide? Absolutely. Should those arms have come from Iran? Absolutely not.

In the past few years, Members from both sides of the aisle put aside their differences to respond to the senseless slaughter of innocent civilians by well-armed Serb militants in Bosnia-Herzegovina. Repeatedly we raised our voices calling upon the President to display determined U.S. leadership in the face of aggression and genocide. These calls were repeatedly rebuffed. When we voted in overwhelming support to lift the arms embargo, we were told by the White House that such an action was not in the interest of the United States as it would lead to an ''Americanization'' of the conflict, result in the deployment of thousands of U.S. troops, and undermine the U.S. Security Council.

Mr. Speaker, when all is said and done, the fundamental issue at stake here—as in so many other instances—is one of leadership.

For nearly 3 years the Clinton administration, like the one before it, largely passed the buck on Bosnia. The Europeans, for their part, raised the specter of Islamic fundamentalism as an excuse for inaction. Mr. Speaker, it is inexplicable how turning a blind eye toward Iran—a terrorist state—was in the interest of the United States.

Regrettably, the international community and the United States refused to undertake meaningful action themselves to end the genocide or to provide the Bosnians with the means to defend themselves. By default at best, and with U.S. acquiescence at worst, Teheran was allowed to fill in the gap resulting from the failure of the Clinton administration to act and to lead. By turning a blind eye in this instance, President Clinton has unwittingly strengthened a small nationalist minority in Bosnia at the expense of those truly committed to the preservation of a multiethnic state; damaged our position in the United Nations; and potentially expose the 20,000 American troops he ordered to Bosnia to even greater danger.

Mr. Speaker, I commend the House leadership for pursuing this matter given its implications for U.S. interests in the Balkans and beyond.

TRIBUTE TO THE VETERANS OF FOREIGN WARS, ALLWOOD MEMORIAL POST 6487

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to a very special group of Americans from the Eighth Congressional District of New Jersey.

The Veterans of Foreign Wars, Allwood Memorial Post 6487 has for a half century offered a steadfast portrait of loyalty, sacrifice, and self-resolve.

Our loyalties mark the kinds of persons we have chosen to become. Real loyalty endures inconvenience, withstands hardship, and does not flinch under assault. The individuals who make up the Allwood Memorial Post consistently allow this genuine loyalty to pervade the whole of their lives.

The members of VFW, Post 6487 remind us that the loyal, patriotic citizen expects no great reward for coming to his country's aid. On the contrary, a devoted patriot seeks only that his country flourishes.

When it comes to honoring their country, their faith, and their comrades, the veterans of Post 6487 have demonstrated both the wisdom to know the right thing to do, and the will to do it. Certainly, they have lived up to the obligations of loyalty, patriotism, and service.

To be a loyal citizen means to achieve a high standard of caring seriously about the well-being of one's nation. I am proud to honor and praise Memorial Post 6487 for exceeding this standard. Congratulations for your 50 year history of American pride and patriotism.

HONORING THE SUMNER COUNTY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Sumner County Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO MEREDITH TAYLOR

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. CRAPO. Mr. Speaker, I would like to submit the following essay by 16-year-old Meredith Taylor, one of my constituents. Meredith's essay won the Veterans of Foreign Wars Voice of Democracy Broadcast Scriptwriting Contest.

ANSWERING AMERICA'S CALL

(By Meredith Taylor)

A needy America called—a compassionate America answered. Listen:

''Give me liberty or give me death!'' ''Let the open arms of your Statue of Liberty shelter me from me land's potato famine!'' ''Just one more breath, please. The polio . . . it hurts . . . my iron lung . . . will it last?'' ''Don't whip me, master. Let me be free from slavery!'' ''We have a voice, let us women speak out and vote!'' ''Reporting NASA, this is one small step for man, one giant leap for mankind!'' ''Don't ask what your country can do for you, ask what you can do for your country!''

Patrick Henry called for the separation from England, and the colonists rallied for freedom. Oppression, tyranny and famine led helpless Irish and other immigrants to our encompassing harbors. America fed and clothed them. Agonizing pleas for life screamed to America's medical researchers to discover a cure for Polio. Dr. Jonas Salk answered with a vaccine. The Civil War split not only the North from the South, but families and friends because of the call to end slavery. President Lincoln died and so did slavery. Following the end of slavery the suffragette demanded the right to vote in America's future and the 19th Amendment to the U.S. Constitution was passed. Neil Armstrong walked on the silverdusted moon to answer the call of curiosity, ''to know the unknown.'' President Kennedy called out to the citizens of America to step up and participate in a positive way in the reformation of each citizen's relationship to the United States. The response was civil rights legislation and Medicare for the elderly.

These were the inflammatory, pleading, demanding, awe-inspiring calls to America in the past, and each time America answered with justice, equality, research and compassion. Now Americans call out with greater intensity and passion.

''I never thought it could happen to me. I mean, I'm only fifteen and I have AIDs. And the baby . . . this means she could have it too.'' ''One more man. Please just give me one more hit!'' ''i'm outta here. I quit school.'' ''Don't hit me, momma, not again . . . please . . .!'' ''What's a divorce, daddy? Why does mommy have to leave?''

These are the present day calls—the opportunities for us, you—me, to give something back to our nation and those who helped make such a strong foundation. How many AIDS-caused deaths and teenage pregnancies must occur before sex education is engraved into the minds of the ignorant? Not just sex education, but comprehensive education will assist in the rebirth of an ''A'' rather than an ''X'' generation—a generation free of substance abuse, hatred and discrimination. In the past the patriots, libertarians, adventurers and risk-takers strived to overcome political barriers, hatred, disease and economic hardships. It is incumbent upon all of us to unveil our loyalty and hope and to act with determination, desire and commitment. We must buttress the efforts of our civic organizations, city councils and religious groups. Each call can be answered if we listen.

As long as there are Americans, there will be the calls for clean air and water, conservation of resources and an effective educational system. But answering these calls with laws and money will fail unless we exhibit respect for people and property, love of God and country and compassion for the sick and poor. Then and only then can we answer the most important call—the right to be called an American.

TRIBUTE TO SISTER JOANNE M. CHIAVERINI AND FATHER PHILIP A. SCHMITTER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. KILDEE. Mr. Speaker, it gives me great pleasure to share with my colleagues in the U.S. House of Representatives the contributions to our community by two committed spiritual leaders. Sister Joanne M. Chiaverini, of the Sisters Servants of the Immaculate Heart of Mary, and Father Philip A. Schmitter are the two codirectors of the St. Francis Prayer Center. Sister Joanne and Father Phil have ministered to the spiritual, economic, and health needs of the people of northern Flint for many years.

Sister Joanne Chiaverini, a sister for 39 years, founded the St. Francis Prayer Center in July 1974 to be a spiritual oasis for persons of all denominational, economic, and ethnic backgrounds. She insisted the center be located where ''the poor could walk'' and has fostered a place that has provided programs, retreats, and classes for nurturing a healthy self image. She has lead the center to be a spiritual organization that ministers with and to the poor in roles of referral, initiation, and advocacy.

Father Philip Schmitter's commitment to the poor led him to move into HUD's River Park Apartments—a public housing complex—in 1978. He also became a full-time codirector of the St. Francis Prayer Center in 1978.

Sister Joanne, Father Phil, and the St. Francis Prayer Center have worked with neighborhood residents, civil rights groups, and environmentalists to raise awareness of the need for environmental equity. They have challenged the Federal Environmental Protection Agency and Michigan's Department of Natural Resources to do more to defend environmental quality in predominantly minority neighborhoods.

As a result of their hard work, the EPA has selected Flint as one of nine sites across the country where violations of environmental equity are being investigated. Flint was selected as the first site of the nine due to the well organized grass roots appeal initiated by Father Phil and Sister Joanne.

Mr. Speaker, the city of Flint is a better place to live in because of the good work of Sister Joanne, Father Phil and the St. Francis Prayer Center. They continue to stand as a symbol to all of the spirituality of St. Francis who saw all of us as part of the good gift of God's creation, to be kept clean, unpolluted, and preserved from exploitation.

CONGRATULATIONS WINNERS OF 1996 SPOKANE SCHOLARS FOUNDATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. NETHERCUTT. Mr. Speaker, I rise to congratulate the winners of the 1996 Spokane Scholars Foundation Awards. This award is solely based on the exceptional performance that these students have demonstrated in their course work and test scores in a specific academic subject. These students truly represent the finest young men and women in our community.

I am proud to announce this year's winners are: Mr. David Gosse from Cheney High School for his outstanding achievements in the area of science; Miss Sarah M. Westergren from Mead Senior High School for her outstanding achievements in the area of English; Mr. Robert M. Dirks from Lewis and Clark High School for his outstanding achievements in the area of mathematics; Miss Joy K. Crosby from North Central High School for her outstanding achievements in the area of foreign languages; Mr. Nicholas A. McCarthy from St. George's School for his outstanding achievements in the area of social sciences; and Miss Shayna Silverstein from Lewis and Clark High School for her outstanding achievements in the area of fine arts.

I congratulate all of these extraordinary students for their hard work in achieving this exceptional recognition and wish them the very best in all of their future endeavors.

HONORING THE WILLIAMSON COUNTY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Williamson County Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

NATIONAL PUERTO RICAN AFFIRMATION DAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. SERRANO. Mr. Speaker, National Puerto Rican Affirmation Day was held on March 29, 1996, and I would like to share with my colleagues the remarks I made as the host of a public policy forum on health issues affecting the Puerto Rican community.

Welcome to this public policy forum. Today we are going to discuss the health issues that are affecting the Puerto Rican community. We will try to find solutions to the problems and to develop public policy guidelines that would help improve the health and access to medical services for our community.

Participants in this forum are: Dr. Nilsa Gutierrez, former director of the AIDS Institute of the New York Department of Health; Dr. Eric Munoz, medical director at the University Hospital in New Jersey; Mr. Aldoph Falcon, vice president for policy and research of the National Coalition of Hispanic Health and Human Services Organizations; Ms. Suleika Cabrera-Drianane, founder and executive director of the Institute for Puerto Rican and Hispanic Elderly; Mr. Enrique Baquero, president of Cyber Tech and a member of the board of directors of the Puerto Rico Hospital Association; and Ms. Miguelina Maldonado, director of Government relations and policy at the National Minority AIDS Council in Washington, DC.

After we finish the presentations on the various health issues we will open the debate to answer questions from the audience.

Puerto Ricans in the United States and those living on the island often suffer from diseases which are related to their environmental and socioeconomic conditions. Puerto Ricans have a high incidence of chronic illnesses, infant mortality, alcohol and drug abuse, and more recently, HIV/AIDS infection.

Poor living conditions, hazardous working environments, lack of access to medical services, and the rising costs of health care are some of the health challenges that the Puerto Rican community faces.

Many in our community work in industries which have a high number of uninsured employees. A large portion of the population resides in inner-city areas which lack adequate medical services for our community. In addition, low median family income, the lowest of any other group in the nation, and a high cost of living in inner-city areas have prevented Puerto Ricans from purchasing private health insurance. In 1992, 50 percent of the population had no private health insurance and 21 percent had no health coverage whatever. These are alarming rates for any community.

Puerto Ricans are growing every day more dependent on Government programs for health care insurance. In 1992, 32.2 percent of the Puerto Rican population received Medicaid benefits, a higher percentage than that of African-Americans, and five times higher than

that of non-Hispanic Whites. In addition, 60 percent of the population in Puerto Rico depend on Government health care programs.

The proposed cuts in funding for Medicaid and Medicare therefore pose a disproportionate threat to the health of the Puerto Rican population. Although President Clinton, in budget negotiations, has forced them to moderate their demands, the Republican leadership in Congress still proposes to slash the funding for Medicaid by $132 billion and Medicare by $270 billion. These cuts will force the elimination of health care services, such as dental care, physical therapy, and nursing facilities for children.

In addition, because Puerto Rico is a commonwealth of the United States, it does not receive funding at full parity in Government programs. Funding for Medicaid is at one-tenth the amount that Puerto Rico would receive if it was treated equally. This is not a statement in opposition to the commonwealth status, nor an expression in support of statehood or the independence of Puerto Rico. But it is a fact of disparity. Although Puerto Ricans are U.S. citizens, they receive a much lower share of Federal funding for Government programs than that which is allocated to programs for U.S. citizens who live in the United States. Reductions in funding would further jeopardize access to health care for Puerto Ricans.

The high incidence of HIV/AIDS infection among heterosexual drug users is a growing epidemic that requires special assistance in our community. In addition to the growing need to increase the access to medical services is the urgent need to provide culturally sensitive services to our community. Many providers do not have bilingual personnel or programs that identify with the culture of our community.

In short, low utilization rates of medical services, lack of prenatal and post partum care, low birth weights for infants, high infant mortality, and inadequate child immunization, are all indicators of a community that it is highly underserved.

We need to pursue a pro-active health care agenda which would provide coverage for the vulnerable population, the elderly, the poor, pregnant women, children, the medically disabled, and the working uninsured. We also need more effective outreach efforts to inform our community of the availability of health care services.

Community-based organizations which already provide culturally sensitive medical services could be one of the catalysts for increasing the access to adequate health care in our community. In addition, we need to increase the participation of the Puerto Rican community in the medical field by providing Federal scholarships and other programs that would enable our students to pursue careers in health professions. We should also provide incentives to educational institutions to develop scholarships for our medical students.

Slashing the funding for Government programs that are often the only source of health coverage for the poor will pose higher health risks to a population, such as ours, which is already disproportionally lacking access to medical services.

I would like now to ask the members of the panel to talk more in detail about the health issues which are afflicting our community.

TRIBUTE TO THEODORE ZUBAR

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the outstanding contributions of Theodore Zubar to the Boy Scouts Organization and his community during his 60 years of service.

As a strong advocate for the Boy Scouts and the Philadelphia community, Theodore Zubar has greatly influenced the lives of many people who have been fortunate enough to know and work with him during his remarkable career.

In 1929, at the young age of 12, Ted began his long and prosperous career with the Boy Scouts. Six years later, Ted became the assistant Scoutmaster and by the time he was 24 years old he was appointed Scoutmaster. With his hard work and loyalty, Ted continued to move up the ladder with the Boy Scouts. In 1947, he was elected Neighborhood Commissioner and held that position for 12 years.

By 1955, Ted organized the Troop Committee which operated various committees in North Central and Woodland Districts of Pennsylvania. As the Boy Scouts continued to strengthen and grow, Ted became the assistant district commissioner of the Scout Roundtable until 1963 and then presided over the Troop Committee for the next 20 years. Continuing his commitment to the Boys Scouts Organization, Ted took on the responsibility of Scouting Coordinator until becoming a member of the Frontier District Advancement Committee and the Frontier District Dean of Merit Badges where he still is a member today.

Ted's work for the Boy Scouts not only extends here in the United States but throughout various parts of the world as well. He has spent much of his life as an ambassador of Scouting for the Boy Scouts and has visited Scout organizations in Zimbabwe, Australia, and Europe. For over 60 years this man has epitomized the Scouting spirit in Philadelphia and throughout the world.

Although Ted's vision and loyalty with the Boy Scout Organization summarizes his excellent accomplishments, he also extended a helping hand to those unfortunate children in the Philadelphia community as well. Being active in his community for over 50 years, Ted became a Lu Lu Temple Shriner and a member of the Quaker City Shrine Club—Hospital Committee for the Crippled Children in 1977. As a member of the Greater Philadelphia Stamp Club, he distributed stamps to the Benjamin Franklin Stamp clubs in Philadelphia's Public Schools. These are only a few examples where Ted has brought joy to hundreds of unfortunate children and people within his Philadelphia community.

For these accomplishments, and most importantly, for the positive effects that these accomplishments have had on the people associated with the Boy Scout Organization and his community, I would like to recognize and thank Theodore Zubar.

CORA SWEATT, 1996 TENNESSEE MOTHER OF THE YEAR

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. DUNCAN. Mr. Speaker, I would like to congratulate Mrs. Cora Sweatt for being named as the 1996 Tennessee Mother of the Year. This indeed is a great honor and one which Mrs. Sweatt should be very proud to receive.

I believe that if we are going to remain a strong country in years to come, we must strengthen the American family.

Mothers are special individuals who sacrifice a great deal for their families and especially their children, and often times they are not recognized for their hard work and devotion. I am proud to see that my home State of Tennessee has taken the time to honor a woman like Mrs. Sweatt. She has had great success at balancing many critical responsibilities for the family and even has taken time from a very busy schedule to serve the community as well.

I believe that true success is achieved by those who strive for excellency. I want to extend my congratulations to Cora Sweatt for receiving this honor.

I request that a copy of the article that appeared in the Daily Post-Athenian on Friday, March 22, 1996 honoring Mrs. Sweatt as 1996 Tennessee Mother of the Year be placed in the RECORD at this point so that I can call it to the attention of my colleagues and other readers of the RECORD.

CORA SWEATT NAMED TENNESSEE MOTHER OF THE YEAR

(By Anissa Hicks)

A local woman has achieved one of the highest honors in Tennessee.

Cora Beasley Sweatt of Athens has been named the Tennessee Mother of the Year by the Tennessee Mothers Association of American Mothers, Inc.

The selection was made from portfolios received by the Tennessee Mothers Association from organizations, churches and civic groups across the state in response to a statewide appeal for groups to nominate worthy mothers.

Sweatt was named Athens' Mother of the Year during a Chamber of Commerce Banquet in January. The award was sponsored by the Athens Area Chamber of Commerce and the chamber sent information they compiled on Sweatt to the state.

The people nominated for state Mother of the Year had to exemplify the qualities of the ideal mother, based on activities, character, and achievements and success in rearing her children, as evidence of a happy home with a loving husband by her side, reaffirming the importance of spirituality as a key to strengthening family life.

From these portfolios of the life of the mother, a jury composed of leaders in religion, education, business, government and child rearing select the 1995 Tennessee Mother of the Year, who then represents Tennessee in Nebraska at the American Mothers Annual Conference in April.

''It's hard to believe I was chosen for this,'' Sweatt said. ''To say the least, I'm deeply honored and very happy.

''I'll do my best to represent the state of Tennessee as Mother of the Year,'' she said. ''I hope and pray I'll represent the state in a positive manner and carry out the purpose of American Mothers, Inc.''

Sweatt said she's looking forward to going to Nebraska at the end of April for the national conference.

At the conference, the American Mother of the Year will be announced from all the portfolios of the mothers representing each state and from the appearance and personality of each mother there.

Sweatt is the sixth Mother of the Year who has come from the Athens area. The only city in the state that has more is Memphis, said Peggy Arterburn, president and CEO of the Athens Area Chamber of Commerce. Athens and Knoxville now are tied at the same number.

''We are fortunate to have Mrs. Sweatt selected to join with five former Athens honorees, Mary Anne Long, Dixie Liner, Mary Jane Hewgley, Grace Webb and Jean Edgar,'' Arterburn said.

A Tennessee Mothers Honor Luncheon will be held April 18 in Athens, hosted by the Athens Area Chamber of Commerce and First Baptist Church, honoring the new 1995 Mother of the Year and Merit Mothers also selected.

The state chairman for the mother of the year committee will be at the luncheon, as well as Merit Mothers (runners-up), past mothers of the year, the state's Young Mother of the Year, and special friends of Sweatt's.

The city, the state legislature and the governor's office will be presenting Sweatt with proclamations.

''This is a real honor for her and we want to make this special for her,'' Arterburn said. ''This is certainly an honor for the Athens Area Chamber of Commerce and also our community.''

Arterburn said each mother of the year is special and deserves recognition.

''We are very honored that we're always able to submit these great portfolios of local mothers,'' Arterburn said. ''There are very competitive nominations from other parts of the state and it is a great honor for us to say the state mother of the year is also the Athens mother of the year.''

It takes a lot of work on behalf of the Mother of the Year Committee, she said. There is also a lot of written materials the recipient has to get together for her portfolio that has to be submitted.

''There is a lot of work for a lot of people in order for this to happen,'' Arterburn said. ''But we're always willing to do the work when we have the positive results we've had.''

Sweatt expressed her appreciation to the Chamber of Commerce for its support.

''I'm so grateful we have an ever wonderful Chamber of Commerce,'' Sweatt said. ''They do so much hard work to provide us with the services they provide.

''I just want to thank all the people who've written letters of recommendation,'' she said, ''and I have to thank my friends and family for their support. I am indeed grateful to them.''

HONORING THE GASSAWAY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Gassaway Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

EXPOSING THE HARMFUL EFFECTS OF ALCOHOL ADVERTISING ON CHILDREN

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, ask a child what these frogs say. Most of the fifth graders who were recently surveyed answered, ''Bud-Weis-Er.''

The California-based Center on Alcohol Advertising is releasing a study today that exposes the harmful effects of alcohol advertising on children. In this study, 221 fourth and fifth grade students were shown still, color images of characters from TV, including a picture of the frogs from a Budweiser television commercial. The students were asked to recall the slogan that they associated with each pictured character.

The results of the survey are astounding. The children demonstrated better recall of the Budweiser frogs' slogan, with 73 percent responding, ''Bud-Weis-Er,'' than of the slogans associated with other characters, including Tony the Tiger, Smokey Bear, and Mighty Morphin Power Rangers. Only Bugs Bunny elicited more accurate responses, with 80 percent saying, ''Eh, what's up Doc?''

What's more, 81 percent of the children identified beer as the product promoted by the frogs. Why is this dangerous, you ask? If you think children don't drink beer, listen up: The inspector general estimates that junior high and high school students consume 1.1 billion cans of beer each year. Based on Anheuser-Busch's market share, these students purchase more than 70 million six-packs of Budweiser and other Anheuser-Busch products, producing revenues of more than $200 million. Without question, these commercials influence our childrens' choices.

A 1991 alcohol-industry-funded poll found that 73 percent of the population believe that alcohol advertising is a major contributor to underage drinking, and a majority believe that the alcohol industry is on the wrong track in part because its advertisements target the young.

I will soon be introducing legislation that deals with a variety of alcohol abuse prevention issues, including the problem of alcohol advertising that appeals to children. I hope my colleagues will consider joining me in this effort.

Today is the annual Anheuser-Busch shareholders meeting. A group of shareholders for advertising reform have introduced a proposal requiring the company to produce a beer marketing report that analyzes the effects of their company's commercials on children. I certainly hope that the shareholders do the responsible thing today and vote to accept this proposal.

NATIONAL PUERTO RICAN AFFIRMATION DAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. SERRANO. Mr. Speaker, National Puerto Rican Affirmation Day was held on March 29, 1996, and I would like to share with my colleagues the remarks I made at the Vietnam Veterans Memorial.

Ladies and gentlemen. We are here today in front of one of the most emotional tributes that Americans have erected to our soldiers. It is the Vietnam Veterans Memorial in honor of the thousands of men and women who served and lost their lives in the service of this nation.

On a day just like today, thousands of Puerto Ricans and Hispanics were called to serve in the Vietnam war and to fight as part of the American forces. When they were called to duty, Puerto Ricans were ready to serve valiantly.

What many people do not know and many history books do not tell us is that Puerto Ricans have fought in all foreign wars that this country has been involved in, from the War of Independence and World War I and II, to most recently, the Persian Gulf War, and the current peace keeping effort in Bosnia.

Puerto Ricans fought alongside a military force of Cuban, Mexican Indian, mulatto and Mestizo soldiers in what is now Louisiana during the War of Independence. In the Korean War, the 65th Infantry Regiment of Puerto Rico fought bravely, and to honor them, a highway in Puerto Rico was named after the regiment. Today, I have cosponsored two pieces of legislation introduced by Congresswoman NYDIA VELÁZQUEZ, which would commemorate the heroic efforts of the 65th Infantry Regiment of Puerto Rico. One of the bills would authorize the minting of a coin and the second one would recognize the regiment with a plaque to be placed at the Korean War Veterans Memorial.

During the Persian Gulf War, as in many other wars, Puerto Ricans were among the first to be sent to fight and among the last to leave. Former Bronx residents Capt. Manuel Rivera and Marine Cpl. Ismael Cotto were both killed in action in the Persian Gulf. Like many other Puerto Ricans who continue to join the service, both had entered military life with the hope of advancing themselves and improving the quality of life for their families. How very sad that they found death where they had once hoped to improve their lives.

If you glance at the Vietnam Veterans Memorial you will be surprised to see many last names and first names in Spanish that are carved on the wall. You will find Diaz, Rodriguez, Gonzalez, Cruz and many other names. These are the Hispanic soldiers, thousands of them Puerto Ricans, that gave their lives without hesitation in defense of what this Nation stands for.

No one asked if these Puerto Rican soldiers who were drafted had a proficient knowledge of English. They were sent to South Vietnam along with other Americans to fight.

Among the many who fought in Vietnam we know the story of U.S. Army Capt. Euripides Rubio. He was born in Ponce, PR and entered service at Fort Buchanan. While in Vietnam, Capt. Rubio left a safe position to aid the wounded during a massive attack. He had been wounded several times when he noticed a grenade which had fallen dangerously close. As he ran to throw the grenade back to the enemy he was killed.

Another Puerto Rican hero, Hector Santiago-Colon entered service in New York as a specialist fourth class in the U.S. Army. While serving in Vietnam, Santiago alerted his comrades to an approaching attack by the enemy. Suddenly fire broke out and his comrades tried to defend their position. An enemy soldier crawled close to Santiago's foxhole and dropped a grenade. Knowing that there was no time to throw the grenade, Santiago tucked it in close to his stomach and took the full impact of the blast.

These courageous Puerto Rican men fought at the risk of their own lives above and beyond the call of duty in defense of this Nation.

More than 200,000 Puerto Ricans have served in U.S. foreign wars and thousands have died fighting. Many made it back home but have lived their lives scarred from wounds and from the brutal images that are intrinsic to any military aggression.

We gather here today in front of this memorial to honor the men and women who at a given moment in the history of this Nation have worn the uniform of military service, whether in peace time or during war. On a peace keeping mission, or in wars, or in so-called police actions they served with courage, honor, and distinction.

The emotional stress of the military has affected all of our soldiers, and more intensely Puerto Rican soldiers from rural areas. Puerto Rican soldiers had to cope with military training, discrimination in the military, often not understanding the English language, being away from the familiar, and lastly the brutal experience of the battlefield.

In addition, a disproportionate number of Puerto Rican soldiers were exposed to the violence of war and still suffer from post-traumatic stress disorder. This long-term mental illness has prevented them from being able to hold jobs, acquire housing, and live normal lives.

Puerto Rican veterans have been advocating their needs in the public arena for more than 20 years, but not much has been accomplished. They need the help of Congress and the White House to improve their lives. On this National Puerto Rican Affirmation Day, they will make their voices heard and we will try to find solutions to their health and socioeconomic problems.

Despite the existence of current veteran programs, many of them have failed to provide adequate health services and employment opportunities. In addition, lack of information, often unavailable in Spanish, has prevented Puerto Rican veterans from participating in these programs.

Puerto Rican veterans need access to a health care system that is culturally sensitive and appropriate to their needs. They also need job training programs that would successfully prepare them to hold a job in the workplace and to develop their careers.

Many Puerto Rican veterans have expressed their desire to buy homes and to own businesses. We need to expand the availability of low interest loans for small businesses and home ownership to minority veterans. We also need to develop programs that would effectively incorporate health, housing, and employment services to assist homeless veterans.

Puerto Rican veterans are eager to enjoy healthy and productive lives with their loved ones. We owe our veterans the opportunity to participate fully in society and to successfully reestablish their lives. United we can bring about positive change through social and economic justice.

We live in a society that has always honored those who have served this country. It is for that reason that today we will recognize the contributions of Puerto Rican men and women who have served in our Armed Forces. In whatever capacity they served, let us today reaffirm our desire never to forget their contributions to this country's military agenda and the missions that were assigned to them.

Puerto Ricans have contributed to the fabric of this Nation in all areas, from science and the military, to the arts and public policy. I would like to ask you to join me in thanking in particular the veterans that have come from all parts of the country and from Puerto Rico to be here with us, reaffirm our rights as Puerto Ricans and to show their support to this National Puerto Rican Reaffirmation Day.

PROFESSOR DONALD E. PIENKOS 1996 POLISH HERITAGE AWARD RECIPIENT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. KLECZKA. Mr. Speaker, I rise today to congratulate my friend Prof. Donald Pienkos on receiving the Pulaski Council of Milwaukee's 1996 Polish Heritage Award.

I can think of few people who have dedicated so much of their time, talents, and energy to the study and promotion of our Polish-American heritage. Professor Pienkos, through his outstanding work as a scholar, educator, author, and activist has done much to ensure that the life-long efforts of those members of our Polish-American community who have gone before us will be long remembered.

Professor Pienkos is the author of several books including ''PNA: Centennial History of the Polish National Alliance,'' ''One Hundred Years Young: A History of the Polish Falcons of America,'' and ''For Your Efforts on Poland's Behalf.'' These outstanding works provide us with a detailed and lasting account of the Polish-American peoples' ongoing efforts to improve the quality of life for Poles in the United States and in Poland.

As a professor of political science at the University of Wisconsin-Milwaukee, Donald Pienkos has dedicated his professional career to the study and teaching of Eastern European politics and government. Throughout the whirlwind of change which has taken place in Eastern Europe during recent years, Professor Pienkos has served as an invaluable source of information and insight not only to the students of UWM, but to our entire community.

Donald Pienkos also plays an active and leading role in a number of Polish-American organizations and has helped to shape the course and direction which these organizations have taken. Don has served as a national director of the Polish National Alliance and is also past president of the Wisconsin State Division of the Polish American Congress. Through his involvement in organizations such as these, Professor Pienkos has worked hard to ensure that our Nation's rich Polish-American heritage will remain alive and vibrant for years to come.

Mr. Speaker, I commend Don Pienkos on his worthwhile and outstanding work and congratulate him on receiving the 1996 Polish Heritage Award. I wish him continued success for years to come. Sto Lat!

HONORING THE EAST SIDE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the East Side Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO LINDA MARIE JONES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. JACOBS. Mr. Speaker, this is the Indianapolis Star obituary of Linda Marie Jones who left this world on the 13th day of April last—at least for her. The world should know why she lead the effort for racial integration of a swimming club in Indianapolis.

Linda Jones was Africa-American. Her son and his friends were thoroughly racially integrated.

Years ago her son's friend who was of European descent took her son as a guest to the swimming club. Her son was refused admittance because he was an American of African descent. So the boys went to the nearby river to swim and her son drowned. ''All these things she kept within her heart.'' And on that thirteenth day of April 1996, in the words of my wife, ''Linda Marie Jones died of and with a broken heart.'' She was our loving neighbor. Our hearts go out to her husband, Don, one of the most remarkably successful businessmen of our era. May God have mercy on those who perpetrated this egregious and un-American wrong.

[The Star, Apr. 16, 1996]

LINDA MARIE JONES HELPED INTEGRATE RIVIERA CLUB, BOOSTED CHESS TEAM

Services for Linda Marie Young Jones, 56, Indianapolis, event coordinator for the Indiana Regional Minority Supplier Developmental Council [IRMSDC], will be at noon April 17 in Witherspoon Presbyterian Church, of which she was a member, with calling there from 10 a.m.

She died April 13.

Most recently, Mrs. Jones worked with her husband, Donald E. Jones, who survives, as event coordinator for IRMSDC. Previously, she founded and co-owned Systems Consultants, and worked for M. W. Jones and Sons Realty Co.

She headed a successful effort to integrate the Riviera Club in 1980 and was instrumental in organizing a rally on Monument Circle in celebration of apartheid opponent Nelson Mandela's release from a South African prison in 1990.

In 1984, Mrs. Jones received recognition from then-Mayor William H. Hudnut III for her leadership in securing sponsorship for the Masters of Disaster grade school chess team.

Memorial contributions may be made to the Dwight Jones Memorial Fund in care of Tabernacle Presbyterian Church, Tabernacle Recreation Fund.

She was a 1983 graduate of Butler University.

Other survivors: grandmother Marie Suggs.

Stuart Mortuary is handling arrangements.

YELLOWSTONE RIVER VALLEY AND SOUTHWEST MONTANA HERITAGE AND RECREATION AREA

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. WILLIAMS. Mr. Speaker, today I am introducing two legislative initiatives to designate locations in Montana as National Heritage areas under the National Heritage Area Partnership Program.

The first bill proposes to establish the Yellowstone River Valley National Heritage Area which will encompass the Yellowstone region from the headwaters of the Yellowstone River in Yellowstone National Park to the confluence of the Yellowstone and Missouri River in North Dakota. As the last major free-flowing river in the United States, the Yellowstone River Valley is a region steeped in history, rich in cultural diversity and patterned with a western landscape of fertile valleys, high plains and the Rocky Mountains.

The Yellowstone River Valley includes Yellowstone National Park,—a United Nations Education and Scientific Organization World Heritage site due to its importance as a resource with global significance—Fort Union Trading Post, Pompeys Pillar the Lewis and Clark Expedition Trail, the Battle of the Little Big Horn, Northern Pacific Railway Company Line, the Lower Yellowstone Irrigation Project, the Huntley Irrigation Project Chief Joseph Trail, the Crow and Northern Cheyenne Reservations and finally the Yellowtail Dam.

The National Heritage Partnership Program will provide a framework which will enable local communities to capitalize on their heritage and expand their economic base. Through collaboration with interpretation, preservation and marketing, communities in the Yellowstone Valley they will have opportunities to form alliances and partnerships among local, State, Federal and private entities. By sharing resources, transcending political boundaries and establishing creative initiatives, citizens in the Yellowstone Valley will have the ability to develop positive social and economic benefits of cultural and recreational tourism.

The second bill proposes to establish the Southwest Montana Heritage and Recreation Area which encompasses the area located along the Continental divide in Southwest Montana and is traversed by Interstates 90 and 15, one of Montana's most important tourism routes. in 1993 this constituted some 3 million vacationers indicating the potential economic impact of tourism of the region. The region is further characterized by a variety of tourism based activities including museums, historic sites, resorts and four season recreation opportunities. Small communities and towns under 5,000 predominantly serve both residents and visitors to this region. The city of Butte is the largest city—35,000—in the corridor.

The concept for the Southwest Montana Heritage and Recreation Area anticipates capital improvements of approximately $40 million to $60 million in interpretive and recreation infrastructure and $20 million to $30 million in tour routes, byways and trailways. At maturity in 10 to 15 years, the Southwest Montana Heritage and Recreation Area could be generating approximately $8 to $13 million in direct program maintenance and operating expenditures annually.

The Southwest Montana Heritage and Recreation Area creates a tourism infrastructure that will foster increased visitation while addressing the objectives, needs and concerns of local communities. Area businesses and residents would be encouraged to provide attractions and services to visitors through technical assistance and incentive programs.

The economic impact on the region could be substantial. When the Southwest Montana Heritage and Recreation Area reaches maturity in 15 years, an estimated 2.7 million additional travelers will be visiting sites, recreating and using services. Based on visitor expenditure estimates it can be estimated that direct annual visitor expenditure's could total an additional $170 million at project maturity. Combined with indirect expenditures a total economic impact of $260 million annually.

INTRODUCTION OF THE PUBLIC EMPLOYEE RETIREMENT SECURITY ACT OF 1996

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. VENTO. Mr. Speaker, workers in all sectors of the economy are feeling the pressure of economic changes and the concerns associated with planning for retirement. I am introducing legislation, The Public Employee Retirement Security Act of 1996, to update the retirement plans for public sector workers, giving them improved options and more security for their pensions.

Private sector 401(k) plans have benefited from improvements and updates over the years. The equivalent public sector plans, called 457 plans, have not kept pace with the necessary changes to such retirement-savings vehicles. My bill improves the public-sector plans and the rules that govern them.

Currently these 457 plans cap annual employee contributions to a set maximum limit of $7,500. My legislation would index this limit to inflation, as it is for 401(k) plans, increasing the ability of these workers to meet their retirement needs.

The bill also increases the flexibility of these governmental plans by allowing accounts that are inactive for at least 2 years and contain less than $3,500 to be cashed-out by the employee. Such a distribution would allow the employee with a changed life situation to access the funds, subject to normal taxation, and reduce the employer's costs of maintaining these dormant accounts. As employee could also alter the time when retirement benefits should begin. This provision recognizes that some public-sector employees, life firefighters and police officers, may retire early and move on to different careers. Altering the date when benefit distributions must occur gives these workers flexibility in their retirement.

The safety of governmental plans is also strengthened by this legislation. Currently employee accounts under 457 plans are the property of the employer and therefore subject to claims by creditors. The financial crisis in Orange County, CA highlighted this risk to governmental pensions. My bill would rectify this situation by placing 457 accounts into trusts, like 401(k) plans, maintaining them for the benefit of the employees. The accounts would be shielded from claims by an employer's creditors and others.

The bill improves the operation of government plans by enhancing their ability to maintain tax-exempt status. The rules governing pension plans limit the amounts paid out to prevent taxpayer subsidy of overly generous benefits. While geared toward benefits paid to top corporate executives, these limitations are

also applied to governmental plans. Unfortunately, these limitations do not take into account the design and operation differences between public and private pensions. Some governmental pensions are designed to offer higher compensation to long-tenured, but low paid workers, or include special accounting of disability and survivor benefits, leading to violation of the pension limitations and endangering the plan's tax-exempt status. If this status is revoked, the benefits paid by such plans would be much smaller than otherwise. To prevent this, my bill lifts such restrictions on governmental pensions, allowing continuation of the special nature of these pensions without threatening their tax status.

This measure is key for public sector employees. Like those in the private sector, they need a reliable, safe retirement system and the flexibility to plan for retirement. My legislation provides the necessary changes to provide this security and flexibility. I urge my colleagues to join me by cosponsoring this legislation.

TRIBUTE TO TUFTS UNIVERSITY TUFTONIA'S DAY 1996

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. MARKEY. Mr. Speaker, I rise today to recognize Tufts University in Medford, MA and to honor its 88,000 plus alumni on the occasion of the 12th annual celebration of Tuftonia's Day.

On April 21, Tufts students, alumni, professors, administrators, and parents gathered on its campuses in Medford, Boston, and Grafton, MA and around the country and world to observe Tuftonia's Day, a holiday that is dedicated to celebrating the achievements of the Tufts community. This day derives its name from the title of the revered Tufts football fight song written by E.W. Hayes, class of 1916. Tufts University is a world class institution of higher education that was founded in 1852 by Charles Tufts. From the undergraduate through the professional degree level Tufts University instills in its students the importance of volunteerism and the need to give something back to one's local community.

The theme of this year's Tuftonia's Day was TuftServe, which focused on volunteer alumni involvement in community service. Last year, Tufts University alumni recorded more than 19,000 volunteer hours of community service. This is an outstanding record that should serve as an inspiration to us all. I congratulate the alumni of Tufts University for their hard work, their dedication and their loyalty.

HONORING THE GASSAWAY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Gassaway Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

THE IMPORTANCE OF MUSIC EDUCATION IN CHILDHOOD DEVELOPMENT

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. CLEMENT. Mr. Speaker, I rise today to talk about the important link between music and the brain—more specifically, how music makes us smarter. This is a timely subject as States and localities throughout the country are evaluating and reforming their education systems, and as we, at the Federal level, are determining funding priorities for education programs. In each case, the goal will be to ensure the highest academic achievement. Music is essential for making that goal a reality.

My hometown of Nashville, TN, is known as Music City, USA. Nashvillians are exposed to all types of music every day, and consequently, we have an inherent sense of the beneficial and profound impact that music has on our lives. But the impact extends far beyond making us feel good. We now have scientific evidence that instructing children in music leads to dramatically improved math and complex reasoning skills, in addition to the discipline and sense of self worth that we all know music provides. This research is described in the February 19, 1996, issue of Newsweek magazine. I recommend the article to parents, educators, Members of Congress, and anyone else who cares about the education and development of our children.

TRAVEL AND TOURISM PARTNERSHIP ACT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. ROTH. Mr. Speaker, I am very pleased to report that today H.R. 2579, the Travel and Tourism Partnership Act, has 226 cosponsors—a majority of the House of Representatives.

Two hundred twenty-six Members of the House understand that travel and tourism means economic prosperity for millions of Americans.

Two hundred twenty-six Members understand that the travel and tourism industry is the first, second, or third largest employer in every congressional district in America.

Natiowide, the industry employs over 13 million people. That translates to one out of every nine Americans.

Mr. Speaker, last week you and I and millions of other Americans wrote out a check to the government and paid our taxes.

Thanks to the travel and tourism industry—the second largest industry in the Nation—you and I and every household in the United States paid $652 less on their tax bill.

That's because the travel and tourism industry puts $54 billion into the U.S. Treasury in the way of tax revenue.

Ironically, last week, on April 15, the U.S. Travel and Tourism Administration was forced to close its doors forever.

Closing USTTA means U.S. tourism promotion efforts drop to zero.

That's why H.R. 2579 is so important. The Travel and Tourism Partnership Act will make sure that in this $3.4-trillion industry, the United States claims its fair share of the pie.

According to futurist John Naisbitt, three industries will drive the global economy of the 21st century: telecommunications, information technology, and travel and tourism.

With the Travel and Tourism Partnership Act, we now have the chance to reshape our approach and our economic future with this monumental industry.

You've all heard the statistics before:

First, tourism employs 204 million people worldwide: almost as many people as we have living in the U.S., minus California. That equals 10 percent of the global workforce. And in the United States alone, travel and tourism accounts for one out of every nine employees.

Second, tourism produces $655 billion dollars in Federal, State, and local tax revenue.

Third, more than 10 percent of all capital investment worldwide goes into travel and tourism. Maybe that's why travel and tourism is growing 23 percent faster than the world economy.

However, in this vastly growing market, 2 million fewer visitors came to the United States last year. That's a 19 percent decrease.

H.R. 2579 addresses this critical problem of declining U.S. market share.

In a $300 billion international travel market, the United States of America should not be getting the short end of the stick.

Why is the U.S. losing ground?

The major reason for this slippage is that we are being out-classed and out-hustled by other nations' tourism promotion campaigns.

And, as I said before, when USTTA closed its doors on April 15, U.S. tourism promotion efforts plummeted to zero.

It's time to turn this situation around.

We're losing jobs.

We lost 177,000 jobs in the past 3 years to countries who are willing to promote tourism.

H.R. 2579 is the blueprint we need to increase our market share and save those jobs.

This 226 Member bipartisan bill will establish a ground-breaking cooperative effort between the tourism industry and the U.S. Government to promote of international travel to the United States.

This plan allows the United States to compete globally for tourism dollars against countries like Canada, Germany, Spain, and Australia.

Even small countries like Malaysia and Tunisia have been spending more than the United States year after year.

In the next 5 years, there will be an increase of some 50 million travelers worldwide.

This could mean tens of thousands of new jobs for American workers. But not if we in Congress don't have the foresight to take advantage of this remarkable opportunity.

That is precisely why, as chairman of the 304-member Travel and Tourism Caucus—the largest caucus in Congress, I introduced the Travel and Tourism Partnership Act.

It's time to take a bold new approach to our economic future.

Rather than creating another government-run program, this bill designs a partnership between the tourism industry and the public sector to devise and carry out a more effective marketing plan.

H.R. 2579 is vital to the United States.

This is a job-creating bill.

All over the world, and particularly in the United States, travel and tourism is the predominant industry for the jobs our people need.

With all this potential, the United States is losing its market share of travel and tourism in a growing market.

With one out of every nine American workers employed by travel and tourism, we can't afford not to take action.

I urge you to join the 226 Members who have already co-sponsored the Travel and Tourism Partnership Act.

Join us and get involved in the blockbuster industry of the 1990's and the 21st Century.

THE TRAVEL AND TOURISM PARTNERSHIP ACT OF 1995

(By Congressman Toby Roth)

FACTSHEET

Implements a central recommendation of the White House Conference on Travel and Tourism.

Forms a ''public-private partnership'' between the travel/tourism industry and the federal government to strengthen the promotion of international travel to the U.S.

Establishes a 36-member National Tourism Board (75% private sector)—to advise the President and Congress on policies to improve the competitiveness of the U.S. travel and tourism industry in global markets; appointed by the President with the advice of the travel and tourism industry

Establishes a National Tourism Organization as a not-for-profit corporation under federal charter—to implement the tourism promotion strategy developed by the national Tourism Board; to develop and operate a marketing plan in partnership with U.S. travel and tourism firms to increase the U.S. market share of the world travel market; governed by a 45-member board of directors, reflecting the breadth of the travel and tourism industry; board of directors develops a plan for a long-term financing; interim funding from industry; data and staff resources provided by federal government.

Requires federal agencies and U.S.C. overseas missions to cooperate in implementing promotion strategy developed by National Tourism Board.

THE RETIREMENT OF DEXTER MAYOR WILLIS CONNER

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. EMERSON. Mr. Speaker, I rise today to bring to this country's attention the retirement of a civic servant in my southeast Missouri congressional district. The Honorable Mayor Willis Conner of Dexter, MO, will be turning over his gavel on May 6, 1996.

A reason I feel compelled to mention Mayor Conner's retirement is that his life embodies the very meaning of community service. When he does step down, he will have served the city of Dexter as its chief elected officer for 30 straight years. All told, he has served our southeast Missouri region for nearly half this century—48 years to be exact including Democrat committeeman, Liberty Township collector, Stoddard County public administrator, and city of Dexter Ward I alderman. In fact, Mayor Conner was recently named this year's recipient of the Missouri Municipal League's [MML] highest honor. It named him the State's current or former municipal official who has made outstanding contributions and leadership to the MML.

In a position that isn't supposed to be a full-time job, Mayor Conner has always faithfully and diligently served his community while also delicately balancing his needs at home and at his paid occupation in real estate and insurance.

As the Eighth District's Congressman, I have had the personal privilege and high honor of working with Mayor Conner on a number of initiatives over the years. One of the most notable is the four-laning of Highway 60 which provides an East-West link through the southern part of the State. Mayor Conner joined me as a visionary who could see the direct benefits of improving our region's transportation infrastructure. He well understood that once we improved our roads and bridges more folks, more businesses, and more industries would be attracted to our region. Mayor Conner is one of those civic leaders who steadfastly supported important efforts such as the Highway 60 project to directly link Dexter, Stoddard County, and southeast Missouri to other reaches in the United States and the globe. From day one, Mayor Conner has helped to improve the quality of life for folks today and in generations to come.

As I close, I again want to bring to the rest of America's attention how impressive and remarkable Mayor Conner is as a person and as a pillar of is community. Thirty years in any job, elected or unelected, is a Herculean undertaking, let alone nearly a half-century of public service. The city of Dexter, Stoddard County, and the State of Missouri will certainly miss his leadership as Mayor; however, I truly believe, even in his so-called retirement, Mayor Conner will still be active and provide guidance, strength, and energy to overcome future hurdles. I am proud and honored to say thank you to Mayor Conner on behalf of his constituents, all Missourians, and our great country in general.

ALLIANCE FOR THE CHESAPEAKE BAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to the Alliance for the Chesapeake Bay, an environmental organization concerned with cleaning up and preserving Maryland's greatest environmental treasure, the Chesapeake Bay.

It was most appropriate that on Monday, Earth Day, we turned our attention to the fine job done by the Alliance for the Chesapeake Bay. The Bay is a national resource that has a profound effect on much of the east coast. Its 64,000-square mile drainage basin—from the Finger Lakes in New York to the Ports of Baltimore and Hampton Roads—provides millions of us with food, energy, recreation, and water.

Since its inception in 1971, the alliance has been dedicated to creating a healthier, cleaner Bay. It has proven equal to the task. The alliance's nonadversarial approach has enabled it to work with a wide range of people for a better Bay. Over the years, the alliance has successfully rallied support from the business community, citizens groups, environmentalists, industry, scientists, farmers, sports enthusiasts, and others to preserve and restore the Chesapeake Bay.

The alliance has accomplished its mission by establishing several important programs. The Alliance's Public Policy Program builds consensus on issues that directly affect the Bay. The Information Services Program provides unbiased information about issues. The Watershed Restoration Program gets people involved in hands-on habitat restoration work.

I urge my colleagues to acknowledge the fine work of the Alliance for the Chesapeake Bay and to commit themselves to preserving the important programs that are so vital to the health of the Chesapeake Bay.

HONORING THE MIDWAY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Midway Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These fireman must have an overwhelming

desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

IN HONOR OF G. NELSON PERRY OF SCOTLAND, CT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GEJDENSON. Mr. Speaker, I rise today to honor a public servant of exemplary note and a man whom I am genuinely proud to represent, today and every day, Mr. G. Nelson Perry, former first selectman of Scotland, CT.

In November 1995, G. Nelson Perry completed his 32d consecutive year as the first selectman of the town of Scotland. Nelson is to be honored for his 50 years of distinguished and selfless service to his town, his State, and his country.

Nelson was born in Scotland, CT, in 1916 where as a child he attended elementary school in a two-room schoolhouse and later graduated from Windham High School. Immediately upon graduation, at the tender age of 19, he went to work in Hartford, CT, in the payroll department of Hartford Electric Light Co. where he worked diligently for more than 6 years.

Then came World War II, and like so many men of his generation, Nelson enlisted in the Army to serve his country. He fought and served with distinction in the 3d Army in Europe commanded by General Patton. He fought to liberate Europe from the shores of Normandy all the way to Czechoslovakia.

At home on leave from the Army toward the end of his enlistment, Nelson married Eileen Vennard of Manchester, CT, to whom he has remained married during the 52 years since. As the war ended, he returned to Scotland to farm and began to raise a family with his new bride. And Nelson and Eileen have raised a fine family of four sons and two daughters, all brought up in Scotland and instilled with the values taught by their parents and community. Their 6 children have given Nelson and Eileen the blessing of 17 grandchildren who live in Scotland close to their loving grandparents.

Nelson later moved from agriculture and farming to work as a cost accountant with the Amstar Corp. in Sprauge, CT. He remained with Amstar in that capacity for 17 years.

It was during this period of professional transition that Nelson began to feel an obligation and yearning to give something back to the local community which had been so good to him. And so, in 1951, he was elected to the Scotland Board of Education. And Nelson's constituents were inspired by his service to reelect him to six more 2-year terms, where he served as the board's secretary. In 1955, the Scotland electors elected him a State representative to the Connecticut General Assembly. And in 1963 we urged him to run for first selectman, a position where Nelson has served with distinction ever since.

The hallmarks of Nelson's career in public service have been his defense of the local taxpayer, his sense of bipartisanship, and his desire to remain completely accessible to his constituents.

In the words of one of his friends, Nelson ''spends Scotland's money like it was his own.'' In the process of exercising careful fiscal management of Scotland's finances, Nelson has presided over the building and later expansion of a local elementary school, the fire department has been improved, bridges have been repaired and rebuilt, and Nelson established Scotland's annual Memorial Day celebration which continues today. Nelson has faithfully executed his duties of preparing Scotland's annual budget, issuing permits, producing annual town reports, and many other responsibilities.

G. Nelson Perry has had a remarkable career in public service and is a remarkable citizen of the town of Scotland. It is my honor and pleasure, Mr. Speaker, to share with you and the Members of this House Nelson Perry's achievements, and commend him for a lifetime of personal sacrifice and public service.

PERSONAL EXPLANATION

HON. Y. TIM HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. HUTCHINSON. Mr. Speaker, this past weekend a destructive tornado hit northwest Arkansas. As a result of the devastation which was wrought by this natural disaster, I spent yesterday assisting my constituents in the district and consequently missed two rollcall votes.

I would like the record to show that had I been present I would have voted ''yea'' on rollcall No. 127 and ''yea'' on rollcall No. 128.

VOLUNTEER SPIRIT IS ALIVE AND WELL IN THE CITY OF HOUSTON

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Ms. JACKSON-LEE of Texas. Mr. Speaker, fellow Members of the House I rise today to thank and commend the volunteer work of Madgelean Bush, a friend and constituent of mine from Houston, Texas.

On April 19th, Madgelean Bush was named the recipient of the Joint Action in Community Service National Volunteer of the Year Award for 1996.

The Joint Action in Community Service better known as JACS is a national, nonprofit organization of thousands of volunteers, dedicated to assisting at-risk youths to enter the mainstream of American society. Committed to the key principles of volunteerism and collaboration, JACS has worked for over thirty years with government, business, labor, religious and private organizations to open doors of opportunity for generations of the most disadvantaged young men and women in America.

Nominated for the award by Southwest Regional Director Deloris Kenerson, Ms. Bush was described as ''a dedicated, humble, yet dynamic advocate for the Job corps program.'' Madgelean and her staff have offered assistance to over 2,400 former Job Corps students in their transition from Job Corps training to community readjustment and the world of work.''

Ms. Bush also offers the Job Corps students she is assigned the opportunity to take advantage of the benefits and services of the Martin Luther King, Jr. Community Center's half-way house, where she serves as its Executive Director. With management skills to rival any corporate manager, she supervises a staff of 45 and directs a $2.5 million in city, country, State, and Federal funds.

When not helping Job Corps youth, she is busy volunteering for a host of other worthy causes. She is affiliated with numerous civic organizations and has served on a variety of boards with concerns ranging from hunger to health, and from youth issues to those of the aged and disabled. She has contributed over two decades of service to the Houston Inter Faith Hunger Coalition, the Riverside Health Clinic Advisory Board, Twilight Chapter #393 Order of the Eastern Star Prince Hall Masons, and the Dobson Elementary Advisory Group. She serves as a Precinct Judge, member of the Texas Democratic Executive Committee Precinct #247, and is a member of the United Methodist Church Conference of Church and Society, as well as the Texas Conference of Churches.

Madgelean Bush is the mother of a grown son and daughter.

I would like to thank you Madgelean for making a life long commitment to volunteerism that is a lesson for us all. You have taught me along with many Houstonians that the individual in this diverse and complex society can make a difference.

LOAN GUARANTEES FOR ISRAEL—A GREAT SUCCESS FOR ISRAEL AND U.S. ASSISTANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. LANTOS. Mr. Speaker, in this era when trashing government programs seems to be more politically correct than praising government success, it is a pleasure indeed to call attention to a program that has achieved remarkable success. This is the loan guarantee program that was instituted in 1992, under terms of which the United States Government guaranteed loans to the Government of Israel totally $2 billion per year for 5 years.

The funds were provided to assist the Government of Israel deal with the massive influx of 700,000 immigrants from the former Soviet Union and other areas. The United States did

not loan the money; it had no other obligation than to co-sign the note and act as an insurer of the loans. There is no risk to the United States, unless Israel defaults on the loans—something Israel has never done on any previous United States loan. The Israelis receive loans at a substantially lower rate of interest, the United States is able to help our only democratic ally in the Middle East, and the United States receives from Israel a $90 million fee each year as a form of insurance against default.

Mr. Speaker, the great success of the loan guarantees is detailed in an excellent article by Douglas M. Bloomfield, which appeared in the April 11 issue of the Washington Jewish Week. Mr. Bloomfield is a former Congressional staffer and a distinguished journalist who has written extensively on Israel and the Middle East. Mr. Speaker, I ask that his analysis of the loan guarantees be placed in the RECORD, and I urge my colleagues to give thoughtful consideration to this fine report.

[From the Washington Jewish Week, Apr. 11, 1996]

LOAN GUARANTEES AN ISRAELI SUCCESS STORY

(By Douglas M. Bloomfield)

At a time when it is in vogue to trash government in general and foreign aid in particular, there is a dramatic success story about a program that did everything it was supposed to and then some. The recipient country reaped enormous benefit, and American taxpayers may wind up making a $450 million profit on the deal.

The program is the once-controversial $10 billion loan guarantees for Israel that played such an important role in U.S. and Israeli elections four years ago.

That was when President Bush withheld approval of the guarantees as leverage to pressure Prime Minister Yitzhak Shamir to alter Israeli settlement policies. In the ensuing confrontation between two leaders who didn't like each other very much, bilateral relations plunged.

Shamir turned unsuccessfully to American Jewish activists to get Congress to force Bush to give in. The president denounced the citizen lobbyists and questioned their loyalty as Americans.

Bush won his battle with Shamir over the loan guarantee and, to his satisfaction, Shamir lost the spring, 1992 Israeli elections. Then, to the satisfaction of the overwhelming majority of American Jewish voters, Bush lost the November, 1992 election.

Shamir's losing and bruising public campaign for the guarantees did cost him economically and politically at home. It was considered a major contributor to his own defeat.

Bush's use of the guarantees as a political weapon sent negative signals to the international money markets, said an Israeli economist. ''It was tantamount to a no-confidence vote politically and economically,'' he said, making borrowing more difficult and more costly for Israel.

In a last attempt to salvage some Jewish support for his own reelection effort, and under pressure from the Congress, Bush invited newly-elected Israeli Prime Minister Yitzhak Rabin to Kennebunkport and bestowed upon him the gift of the loan guarantees. It was too late to help Bush, but it did a lot for Israel.

Here's how the guarantees work: The U.S. Government does not actually loan, much less give, any money to Israel; it co-signs or guarantees repayment of a specified amount of Israel borrowing. In this case, the amount was $10 billion in five equal, annual installments. The American guarantees assure lower borrowing rates from international banks for Israel.

Under the deal worked out with the Congress, Israel agreed to pay $90 million a year 4.5 percent of each $2 billion installment; the Bush administration had asked for a prohibitive 13.5 percent fee) to the U.S. Treasury as a form of insurance against default. Only if Israel defaulted—something it has never done on any previous U.S. loan—would American taxpayers ever have to pay anything.

The purpose of the guarantees is to help Israel borrow money at the best possible rate to finance economic expansion associated with the influx of nearly 700,000 new immigrants over the past seven years and the opportunities presented by the peace process. The money raised could only be used for investment and infrastructure, not the general government budget.

Although often misrepresented as housing guarantees for new immigrants, there never was any intention to use the money for the government to build houses or directly the newcomers. There is a separate $80 million annual U.S. refugee aid program for that.

Now in its fourth year, the program is widely considered a major success. American taxpayers are getting their $90 million annual ''insurance premiums,'' trade between the two countries has increased more than 40 percent, and the program is doing just what it was intended to do. A Washington rarity.

The humanitarian objective of immigrant absorption is being achieved, and it is being done through the private sector, not by government-created jobs and housing projects, as in the past. In addition, the government is fulfilling its 1992 commitment to the U.S. government to accelerate deregulation, privatization of government-owned corporations and economic reforms began in the 1980s with prodding and assistance from the Reagan administration.

The guaranteed loans supply Israel with affordable foreign currency. An expanding economy that is absorbing new immigrants has to increase imports faster than exports, and it needs dollars to pay for that because the shekel is not a convertible currency. With the guarantees the Bank of Israel can borrow enough dollars to exchange for shekels from Israeli businesses making those foreign purchases.

The resultant strength of the economy can be seen in a few statistics:

Unemployment is down from 11 percent four years ago to six percent, the lowest level in more than a decade. For new immigrants, it dropped from about 25 percent to six percent.

Gross Domestic Product grew seven percent last year in real terms, up more than 40 percent since 1990.

Private sector growth is up eight percent for each of the past two years in real terms and 50 percent since 1990.

Inflation has dropped from 18 percent in 1991 to eight percent today.

90 percent of the jobs created in the last several years have been in the private sector.

The loan guarantees gave the Israeli economy an intended boost, and achieved the goals U.S. and Israeli policy makers sought. But will the economy cool off and go into a slump after the five-year program expires in 1997?

Not likely, says Ohad Marani, the minister for financial affairs in the Israeli embassy in Washington. About four months ago the Israeli treasury decided to test the waters by floating a bond issue on Wall Street in dollars without any American government guarantees or involvement.

The $250-million issue, known as Yankee bonds, was oversubscribed and Israel got a very favorable interest rate, demonstrating the government can raise money without American guarantees, he said. Marani attributed the success to Israel's strong economy, a favorable standing with Standard & Poors and other rating services and increased regional stability as a result of the peace process. A similar bond sale is planned in Europe next month.

''The guarantees gave Israel the confidence it had enough currency to absorb the new immigrants,'' said Dan Halperin, the Israeli Treasury's top official in Washington in the 1980's ''and the Yankee bonds prove that today Israel can slowly begin raising money on its own credit.''

CATHOLICS SUPPORT FOREIGN AID BILL

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. CALLAHAN. Mr. Speaker, I rise to discuss the reasons Catholic Americans should support the Republican approach to foreign assistance funding.

The most obvious Catholic concern on foreign policy relates to U.S. taxpayer funding of abortion overseas. Our foreign operations appropriations bill last year was held up for nearly 6 months because of disagreements on funding for abortion. The Smith-Callahan amendment sought to approach reinstatement of the Mexico City policy that provided not taxpayer dollars would go to any organization that used any funding source to perform abortions.

Our bill also tried to strengthen restrictions against the U.N. Fund for Population Activities [UNFPA]. Specifically, we would prohibit the use of any American tax dollars provided to this organization that would support population programs in China. There is virtually no argument that Chinese policy promotes abortion and even coerced abortion and coerced sterilization as birth control measures. Under Republican foreign policy, this will not be tolerated.

The foreign operations appropriations bill also established child survival as a separate priority and provided $484 million for child survival and disease programs. Our intent is to protect the most vulnerable in the world society through a variety of programs and to make sure these funds could not be rechanneled to less critical programs. We will continue this initiative in the fiscal year 1997 bill.

Finally, our bill provided funding for the Fund for Ireland to help the peace process succeed through economic development. American Catholics have a special interest in the situation in Northern Ireland and support United States efforts to make the peace process succeed. We were successful in appropriating $19.5 million for the International Fund for Ireland.

As the national debt makes cuts in foreign aid inevitable, we must strive to ensure that limited dollars are spent wisely. Foremost, we must protect U.S. national security. In addition, we must be humanitanan, we must protect the unborn and the innocent, and we must seek to resolve conflict where possible. I think we did a good job last year on these priorities and I am confident we will continue these efforts.

HONORING THE SHORT MOUNTAIN VOLUNTEER DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Short Mountain Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These fireman must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

DR. FAHMY HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Dr. Mahmoud H. Fahmy, a distinguished educator and community leader in my Congressional District. Tonight, Dr. Fahmy will be honored for his achievements at a testimonial banquet, and I am pleased to have been asked to participate in this event.

Mahmoud Fahmy was born in Alexandria, Egypt and earned a bachelors degree with honors from Alexandria University. He came to United States to complete his graduate work, earning a masters degree at Columbia University and a doctorate from Syracuse University.

Devoting his life to education, Dr. Fahmy instructed and administered programs in various colleges and universities nationwide, including the New School of Social Research of New York City, Syracuse University, Bucknell University, Bloomsburg University and the University of Pittsburgh. He also served as president of the Pennsylvania Association of Graduate Schools. Dr. Fahmy served as Special Assistant to the President for External Affairs at Wilkes University and held the academic rank of full Professor of Education as well as Dean of Graduate Affairs and Continuing Education. He currently serves as President of the Education and Training Center of Northeastern Pennsylvania.

In addition to his role as an educator, Dr. Fahmy has been a leader and an innovator in other areas of the community. He is currently a member of the advisory board of the Luzerne/Wyoming Counties Mental Health/Mental Retardation Association and chairs its legislative task force and public awareness committee. Dr. Fahmy is also a member of the Ethics Institute of Northeastern Pennsylvania and heads its education subcommittee. In addition, he is a member of the Board of the Economic Development Council of Northeastern Pennsylvania, and is in charge of its International Trade Development Council. Dr. Fahmy helped to establish the Luzerne County Youth and Violence Committee. Recently, Dr. Fahmy was selected by the County Commissioners to serve on the Board of Trustees of Luzerne County Community College where he was later elected chairman.

Internationally, Dr. Fahmy has directed several international educational projects for the U.S. Department of Education and other professional organizations. He is an international education consultant who has performed in various capacities in several foreign countries. He was selected as Citizen Ambassador for the ''People to People'' program, and served as a delegate to Russia and Czechoslovakia in the area of education organization and teacher education. Recently, he headed a Delegation from Northeastern Pennsylvania to Brazil.

Mr. Speaker, I feel very fortunate to have worked with Dr. Mahmoud Fahmy many times during my tenure in Congress and over the years we have become friends. I am extremely proud to join with his colleagues, family and friends in commending Dr. Fahmy on a lifetime of commitment to his profession and to the betterment of his community.

DOMINIC FRINZI RECIPIENT OF TED MAZZA COMMUNITY SERVICE AWARD, 1996

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. BARRETT of Wisconsin. Mr. Speaker, this Saturday evening, April 27, 1996, the Italian Community Center of Milwaukee will honor Attorney Dominic Frinzi with the Ted Mazza Community Service Award. I join the Italian Community Center in congratulating Mr. Frinzi on this well-deserved recognition.

Milwaukeeans will always remember Dominic Frinzi's quick action to defend the honor of Wisconsin baseball fans. In 1965, when the Milwaukee Braves decided to move to Atlanta, the team wanted to change its name to the Atlanta Braves during its last season in Milwaukee. There was just one problem, there was already a corporation named the Atlanta Braves registered in Wisconsin—courtesy of a certain quick-thinking Milwaukee attorney. Dominic Frinzi prevented the Braves' owners from adding insult to Wisconsin's injury, and earned the recognition of legendary New York Times sportswriter and Wisconsin native, Red Smith.

Wisconsinites are also well acquainted with the slogan ''Go with Frinzi—he gets things done!,'' heard throughout our State during Dominic Frinzi's two bids for Wisconsin Governor. Candidate Frinzi was known for his straightforward answers, colorful quotes, and innovative policy ideas. Though he never found his way to the Governor's mansion, Dominic Frinzi's engaging style and his open relationship with the press drew many independent voters into the electoral process.

Born the son of an Italian immigrant in 1921, Dominic Frinzi was given the middle name Henry in honor of the renowned opera tenor, Enrico Caruso. He has lived up to that name, compiling a world-class collection of opera recordings, teaching the Italian Community Center's opera series and coordinating the Golden Age of Opera exhibit at Milwaukee's Festa Italiana. He also served as national president of UNICO, a nationwide Italian American civic service organization, and earned its highest honor, the Dr. Anthony P. Vastola Gold Medal Award. Dominic Frinzi is an original member of the Italian Community Center of Milwaukee and serves on its board of directors.

Dominic Frinzi also served as a Milwaukee County Court Commissioner for 40 years and practiced law for 44. His work in the criminal and civil arenas has earned him the respect of the Wisconsin legal community.

Dominic Frinzi's long and distinguished career of public service, his work to expand our community's cultural horizons and his devotion to the Italian-American community exemplify the spirit of the Ted Mazza Community Service Award. I commend the Italian Community Center on an excellent selection, and I congratulate Dominic Frinzi on this well-deserved honor.

IN MEMORY OF GILBERT MURRAY

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. RADANOVICH. Mr. Speaker, today marks the first anniversary of the death of Gilbert Murray, the former president of the California Forestry Association.

Gil was known by all as someone who cared deeply about the outdoors. More specifically, he committed his personal and private life to maintaining the proper balance between protecting nature and developing the natural resources that are necessary to our civilization. He loved the outdoors and passed his appreciation of nature onto his friends and family.

Tragically, 1 year ago an environmental extremist took the life of Gilbert Murray, depriving his family of a loving husband and father. His death was senseless. While claiming to promote the environment, someone took the life of Gilbert Murray, a person who dedicated his career and life to promoting the sensible use of California's forest. As we continue to debate environmental issues in this country, let us remain wary of the arguments of those who are unwilling to accept a reasonable balance between the needs of nature and humans.

Mr. Speaker, I hope that all of my colleagues will join with me today in honoring Gilbert Murray by learning and promoting the ideals that Gil held so close to his heart.

THE LEGACY OF CHERNOBYL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. BONIOR. Mr. Speaker, it was a silent killer, and people will continue to feel its direct effects well into the next millennium. Millions of lives have been unalterably changed by it. Sickness, death and dispossession arrived, stayed, and have yet to leave.

On April 26, 1986, reactor No. 4 at the Chernobyl Atomic Energy Station ignited, causing an explosion, fire, and partial meltdown of the reactor core. Ten years have now passed since that terrible day. Today, the ghosts of history's worst nuclear disaster can't be avoided in the pines and the farmland, now overgrown, that surround Chernobyl. The city of Pripyat, once housing 40,000, sits empty. Dozens of villages have been abandoned.

The 134,000 people who were evacuated from the area won't be returning to their homes. An area the size of Rhode Island is now a dead zone. The health effects are equally astonishing. Sadly, cancer among children has tripled. Ukraine now has the highest rate of infertility in the world. Birth defects have nearly doubled.

Mr. Speaker, our Government, many charitable organizations, and individuals have contributed to efforts to recover from the disaster. We must continue those efforts, and we must enhance them for the people of Ukraine. Ukraine faces many challenges, not the least of which are the human and economic costs of coping with the effects of Chernobyl.

Today we must pause to remember those who lost their lives and those whose lives were changed forever. We learned many lessons from that tragedy 10 years ago, and now we must move forward and help our friends in Ukraine prepare for the future.

REGULATORY FAIR WARNING ACT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GEKAS. Mr. Speaker, today I am introducing the Regulatory Fair Warning Act along with 12 cosponsors. This legislation codifies the principles of due process, fair warning and common sense that were always intended to be required by the Administrative Procedure Act [APA]. The bill requires that an agency give the regulated community adequate notice of its interpretation of a rule. Agencies will be deterred from pursuing penalties based on rules or policies which were either unclear or unavailable to the regulated community.

Specifically, the Regulatory Fair Warning Act would prohibit a civil or criminal sanction from being imposed by an agency or court if the agency or court finds that the rule or related policies published in the Federal Register failed to give the defendant fair warning of the required conduct; or the agency or court finds that the defendant, prior to the alleged violation, reasonably and in good faith determined, based upon information publish in the Federal Register or written statements made by an appropriate agency official, that the defendant was in compliance.

In reaching its conclusion regarding this matter, a court could not give deference to an agency's interpretation of a rule which was not timely published in the Federal Register, or otherwise made available to the defendant.

I am pleased to introduce this simple yet necessary measure. Without this fundamental protection, businesses must often operate in an atmosphere of uncertainty as to whether they are in compliance with an agency's most recent interpretation or reinterpretation of its regulations. If and when the day arrives when an agency chooses to enforce its latest interpretation against a regulated business, the business owner has two alternatives: First, roll the dice and hire a Washington lawyer to fight an unknown wrong; or Second, pay the penalty, regardless of culpability.

Adoption of this legislation will encourage agencies to keep the regulated public aware of what their regulations require of them. Before pursuing an enforcement action, an agency will need to consider whether the defendant has acted in good faith and whether the agency is acting within the confines of due process established by the APA. Nothing in this measure is intended to weaken the enforcement powers of the executive branch. This is a moderate measure, meant to provide a minimum of security and predictability to the regulated community and to improve the relationship between agencies and private citizens.

MEDICAL SAVINGS ACCOUNTS: WHY THEY ARE TAX BREAKS FOR THE UPPER INCOME AND BAD NEWS FOR WORKING AMERICANS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. STARK. Mr. Speaker, medical savings accounts are bad health policy. They are bad tax policy.

The following analysis from the Center on Budget and Policy Studies explains why:

WHO WILL USE MEDICAL SAVINGS ACCOUNTS AND WHY WILL THEY USE THEM?

(By Iris J. Lav)

Prior analysis of Medical Savings Account proposals has shown that MSAs would primarily benefit those at high income levels because MSAs create opportunities to accumulate tax-sheltered funs for purposes other than medical costs. Higher-income taxpayers would be most likely to take advantage of these tax shelter opportunities because the tax benefits are worth more to taxpayers in higher tax brackets and because such taxpayers can afford to pay substantial out-of-pocket medical costs if they choose to leave the tax-advantaged funds on deposit in the MSAs or if funds accumulated in the MSAs are insufficient to cover their medical bills.

Recently, the Joint Committee on Taxation has released data estimating what proportion of people in each income class would make use of Medical Savings Accounts, finding that a large portion of the participants would be middle class. These data have been used to bolster claims that MSAs would benefit middle class taxpayers as well as the wealthy. But the Joint Tax data are not incompatible with the conclusion that higher-income taxpayers would be the primary beneficiaries of MSAs.

As the text of the Joint Tax analysis makes clear, participation in an MSA may not be voluntary. Taxpayers who participate in MSAs because their employers offer no other option for health care coverage may not benefit from their participation and may become worse off as a result of their employers' switch from offering a conventional insurance policy or a managed care plan to a plan that offers only a high-deductible insurance plan with an MSA.

JOINT TAX HIGHLIGHTS BENEFITS TO COMPANIES, NOT EMPLOYEES

The Joint Committee notes that its estimate is based ''on the assumption that a large proportion of small- and medium-sized companies might potentially benefits from the MSA proposal and offer such plans to their employees.'' To assume that a company would benefit generally means that the company would pay less for its employees' insurance coverage. This suggests two further assumptions that likely underlie the Joint Tax analysis.

Small- and medium-sized companies that do not now offer any health insurance would not begin to offer high-deductible coverage with MSAs as a result of this legislation. Such an assumption would result in increased rather than decreased costs for the companies and thus would be incompatible with the statement that the companies would benefit. The analysis must instead assume that employers currently offering conventional coverage or managed care plans would begin to offer high-deductible insurance with MSAs.

Furthermore, companies would receive a cost-saving benefit from such a switch only if the total cost of the high-deductible insurance including the MSAs would be less than the cost of the insurance the company currently offers. Thus the small- and medium-sized companies that switch to high-deductible insurance with MSAs likely would not put the entire difference between the conventional insurance premium and the high-deductible insurance premium into their employees' MSAs. Companies would realize cost savings from the switch only if they choose to keep, as a profit-enhancing savings, at least a portion of the difference in premiums between the two types of plans.

LOW- AND MODERATE INCOME TAXPAYERS MAY PARTICIPATE IN MSAS INVOLUNTARILY

The Joint Committee on Taxation analysis goes on to say that ''Employee wages for small- and medium-sized are weighted toward the lower- and middle-income classes. As a result, the revenue estimate assumes that taxpayers in the lower- and middle-income classes are more likely to be offered a high deductible plan coupled with an MSA as their primary health plan.'' (Emphasis added.) Although the Committee's use of the term ''primary'' is ambiguous, it suggests some further issues.

Low- and middle-income employees may be reluctant voluntarily to accept high-deductible insurance with MSAs, because they usually do not have the resources to pay large out-of-pocket health care costs. An assumption that substantial numbers of such employees would participate suggests that their employers might offer only high-deductible insurance with MSAs and would no longer offer either a conventional fee-for-service policy or a managed care plan. For low- and moderate-income employees who consume significant amounts of preventive care for their young families through a health maintenance organization, for example, or have chronic health problems that require continuing care, the restriction of choice to a high-deductible plan could substantially degrade their ability to afford necessary health care services.

INADEQUATE MSA DEPOSITS TRANSFER LARGE COSTS TO MODERATE-INCOME EMPLOYEES

Low- and middle-income employees are likely to face high out-of-pocket costs under the high-deductible insurance plans with MSAs because the MSA contributions made by their employers are likely to fall short of the annual deductible amounts under those insurance plans. In fact, employers are unlikely to be able to afford to deposit the full deductible amount. Consider the following. A company may currently offer its employees family coverage under a conventional insurance policy and pay an annual premium of $5,200 for that coverage. If the company switches to offering a high-deductible plan with an MSA, the annual premium for the high-deductible insurance policy would be approximately $3,900. These costs assume the insurance plans are comparable except that the conventional coverage includes a $200 deductible while the high-deductible plan has a $3,000 deductible. Because the company's annual premiums savings from switching to the high-deductible insurance plan is only $1,300 per family ($5,200 minus $3,900), the company is highly unlikely to be willing to deposit $3,000—the full amount of the deductible—into the employee's MSA. In addition, employers are likely to keep some of the difference as a cost-saving benefit to the company. Thus low- and middle-income employees likely would have significantly less than half of their annual deductible amount—and most likely no more than one-third of the deductible—deposited into MSAs by their employers and thereby available to meet ongoing health care costs.

Moreover, nothing in this bill requires employers to make any deposits to MSAs as a condition of offering high-deductible insurance. Once small- and medium-sized employers shift to offering only high-deductible insurance and no longer offer conventional insurance or managed care plans, they would be free to reduce or eliminate contributions to the MSAs at any time. If that occurred, the low- and moderate-income employees of those companies would be left to finance the entire deductible amounts out of their own pockets. Although the low- and moderate-income employees could make deposits on their own to an MSA, they would receive little or no tax advantage from using MSAs—because they either do not pay income taxes or pay taxes at much lower rates than the higher-income taxpayers who would be the primarily beneficiaries of this MSA legislation.

In short, if low- and moderate-income taxpayers use MSAs in substantial proportions, it will likely be because they have little alternative. And the use of the MSAs with high-deductible health insurance plans is likely both to increase their risk of incurring unaffordable health care costs and reduce their ability to afford adequate levels of health care services for themselves and their families.

ANSWERING AMERICA'S CALL

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. WHITFIELD. Mr. Speaker, I take this opportunity to bring to your attention a special constituent of mine, Kurt Martin, of Bardwell, KY. Kurt is a senior at Carlisle County High School and has been named a national winner in the 1996 Voice of Democracy Program. Kurt is the son of Mr. and Mrs. Rodney Martin of Bardwell.

The Voice of Democracy Program is an annual broadcast script writing scholarship contest. Kurt's winning script entitled ''Answering America's Call'' is an inspiration for all Americans. I would ask that Kurt's entire remarks be printed in the RECORD at this point.

ANSWERING AMERICA'S CALL

(By Kurt Martin)

I raced down the stairs trying to find my shoes as Dad impatiently honked the horn of the van outside. As I tied my shoes at record speed, the phone rang. Out of breath, I answered the phone soon realizing I was in a conversation with a military recruiter for the Marines. Great! I'm late for church, I don't have any idea what songs I'm going to play for the song service, and now I have to stand and make small talk with a military recruiter.

''So, what do you plan to do after high school? he asked rather abruptly.

''Well, I'm planning to go to college,'' I answered as politely as I could, trying to end the conversation quickly.

''Have you ever thought about going to the Marines to gain money for college?'' he asked.

''To tell the truth, I have considered serving in the military, but I hurt my knee. I'm going to have to have surgery in a few weeks.''

''Well, that pretty much counts you out of any military action. I'm sorry about your injury, and I hope your knee gets better. Best of luck to you in the future.''

During church, my mind wandered to the conversation I just had with the Marine recruiter. I has always known that the military was strict about health regulations; but since my knee injury, the subject of serving in the military had never come up. I somehow couldn't come to grips with the idea of not being able to serve my country because of a basketball injury. How can anyone, especially a man, answer America's call when he can't serve in the military? I had read about my kind in history books. If there is another war, the ''real men'' will go risk their lives for our country, while I sit at home selling war bonds.

After pondering the subject for a few minutes, I began to realize exactly what ''America's Call'' is. Even though I may not be able to serve in the military because of my injury, my dedication to my country should not end there. Franklin Roosevelt didn't let a physical handicap keep him from helping his country recover from a major depression.

The confidence of the American people in his leadership ability during World War II got him reelected three times, even though he was confined to a wheelchair.

As a student, I can answer America's call each and every day by preparing myself for the future as I apply myself to my studies. I don't know yet what type of career I will be training for, but whatever it may be, hard work will enable me to make a difference in my profession, my country, and my world. The work ethic that enabled Abraham Lincoln to rise out of poverty to become President will allow our generation to preserve the reputation America has maintained for so long.

Another way to answer America's call is by upholding Christian morals and ethics. When I abstain from premarital sex, drugs, and alcohol I not only take a stand against those vices, but I also become a positive influence on my peers. Whey I fight against violence and corruption, I stand alongside the founding fathers of our country by trying to make America a better place to live.

America may call me to become involved in activities that benefit my neighbors, community, or country. If I volunteer to work at the local nursing home or roadblock for a telethon supporting disabled children, I answer America's call by showing that I care about those who are in need. When I vote for local, state, and national candidates I show that I am concerned about the future leaders of our country.

I can also heed America's call by supporting those who serve or have served in the military. Those men and women deserve all of my support, honor, respect, and appreciation. They need to know that all Americans are striving to keep the freedom that they risked their lives for. This goal will be achieved if we resolve to do as John F. Kennedy advised in his inaugural address, ''Ask not what your country can do for you, ask what you can do for your country.'' Only then can we truly ''Answer America's Call.''

HONORING THE WEST SIDE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the West Side Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

GRANTING MOST-FAVORED-NATION TRADE STATUS TO ROMANIA

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. RICHARDSON. Mr. Speaker, I rise to urge my colleagues to give their wholehearted supported to the legislation offered by the gentleman from Illinois [Mr. CRANE] which would grant permanent most-favored-nation [MFN] trade status to Romania. As I am sure you are aware, Romania has been granted MFN for the past 3 years, but it is subject to periodic renewal. It is now time to bring an end to this

renewal process and make Romania's MFN status permanent.

Romania meets all the criteria for permanent MFN: unhindered emigration; a free market economic system; a multiparty democratic political system with free and fair elections, and respect for basic human rights and freedoms. As a nation still in transition after the 1989 revolution, Romania is still working to institutionalize these changes. But I have no doubt about the commitment of the Government and people of Romania to staying on the course of full integration into the Western community of nations. Romania is a founding member of the World Trade Organization, and has strongly expressed its desire for membership in such Western institutions as the EU and NATO. The granting of permanent MFN is regarded by foreign governments as a manifestation of U.S. support. It represents our acknowledgment that a nation has expressed strong commitment to the values that we hold dear. In a case such as Romania, it also signals our encouragement and support for the reforms that are still being made and the progress yet to come.

Mr. Speaker, I am sure that my colleagues will agree that Romania is deserving of this support and acknowledgment. Since granting permanent MFN to Romania will not affect the United States budget, this legislation is literally a cost-free way for us to express to the people and Government of Romania our admiration for what they have accomplished in 6 short years, our encouragement for their efforts to continue on the path they have chosen, and our hope for a better future for their children.

TRIBUTE TO STANLEY AND GWEN McCRACKEN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. KILDEE. Mr. Speaker, it is with great pride that I rise before you today to pay tribute to two great Americans, Stanley and Gwen McCracken. In recognition of their exemplary service as the DAV and DAV Auxiliary State commanders of the great State of Michigan, their many friends and colleagues will join in honoring them during a Joint Testimonial Dinner to be held at DAV Chapter 129 Memorial Home, located in Utica, MI on Friday, April 26, 1996.

Commander McCracken is a veteran of both the U.S. Army and the U.S. Air Force, serving both services with honor and distinction. He enlisted in the Army in 1958, serving as an infantryman. In 1963, Stanley decided to reenlist in the Air Force. He was assigned to the Strategic Air Command, Ramey Air Force Base, Puerto Rico. His tour of duty included and encompassed many responsibilities, including being attached to the 42nd Bomber Wing, Combat Support Group. While at Ramey, he was assigned to a Recovery Team, as well as being an integral member of a ground crew, and finally assuming the duties of crew chief aboard a B–52 bomber.

Stanley McCracken earned the stripes of staff sergeant along with numerous decorations and awards for his outstanding military service before he was honorably discharged from the Air Force in 1967.

Commander McCracken has been elected to, and successfully held every chapter level office, including chapter commander for two terms. He has also been an active member of the St. Clair County, MI, Allied Veterans Council for several years, in addition to being a member of DAV Chapter 51. Mr. McCracken accumulated extensive experience before assuming the State commander's job. He was an elected member of the State Administrative Board for 4 years before he was picked by the membership as a department line officer. He ultimately progressed his way through the various chairs, of the department, and was elected as State commander of the DAV in June 1995.

Equal in service to the DAV, Mrs. Gwen McCracken was elected to serve as commander of the Disabled Americans Auxiliary, Department of Michigan, in June 1995. Gwen McCracken has a long, outstanding record of service to her community. She has been a driving force in a number of organizations that are committed to improving the quality of life for those who are less fortunate. Mrs. McCracken was instrumental in helping to found Volunteers Assisting the Disabled, an organization that provides summer camp opportunities to adult MDA patients, who would otherwise, simply because of their age, be exempted from participating in camp.

Gwen McCracken is a life member of the Corporal Ian M. Gray Unit 51. She has been an extremely active member of the DAVA, eagerly accepting the duties and responsibilities of the many positions and offices of the organization that she has held including; state chaplain, senior page, first vice commander, and senior vice commander.

The McCrackens, through their collective energy, enthusiasm, and zeal, have stood like sentinels on behalf of not only disabled veterans, but on behalf of all veterans and their families. Their many years of combined service have helped to preserve and protect the promise that was made to care for those who have borne the battle, their widows, and their children.

Mr. Speaker, it is with great pride that I stand before you today asking that you and my fellow Members of the 104th Congress join me in honoring Stanley and Gwen McCracken. They have spent their lives in dedicated service to their country and community. I am pleased to have this opportunity to join with their family, friends, and colleagues to extend my deepest thanks for their tireless efforts on behalf of Michigan veterans.

TRIBUTE TO REV. CHARLES L. MOORE

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. BOEHNER. Mr. Speaker, the Reverend Charles L. Moore, at the age of 86, is the oldest active priest in the 19 county greater Cincinnati archdiocese. During his religious career, he has served as a parish priest, high school teacher, jail chaplain, mission administrator, church pastor, district moderator of the National Catholic Community Services, archdiocesan director of the Catholic Information Services, and military service counselor in World War II in Florida.

Father Moore has spent the last 16 years serving the parishioners at the Holy Family Parish in Middletown, OH, the students at Fenwick High School, and John XXIII Elementary School.

June 6, 1996 will be the 60th anniversary of Father Moore's ordination into the priesthood. I want to congratulate Father Moore on his years of service and dedication to helping the people of Southwestern Ohio.

A LEGACY OF LENIENCY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. PACKARD. Mr. Speaker, President Clinton loves to talk up his record on crime, but the facts are the facts. The best antidrug legislation and the best law enforcement are useless if judges are not willing to uphold the law. When judges such as the ones the President has appointed show more sympathy for the people they prosecute, than for victims, the heroic efforts of the police and the law are muted.

The American people deserve the best qualified judges that reflect their priorities and values. It does not serve America well when a judicial nominee to one of the highest courts in the land does not possess even rudimentary knowledge of constitutional law—even if he is a golfing buddy of the President. If the President and Washington special interests get their way, we will get a judge trainee. This venerable position requires experience and extensive knowledge of the law. The nominee, Charles Stark posses neither. He even testified before Congress that he could make up for his ignorance of landmark court decisions and constitutional law by taking some courses or asking other judges for help.

Mr. Speaker, this is no way to run a railroad. Most Americans will agree that we do not need a judge who needs on-the-job training. We need judges who will protect the rights of crime victims, not invent new, more expansive rights for criminals. We need judges who will follow through with the tough-on-crime measures my Republican colleagues and I have passed. But, perhaps more importantly, we need a President who will nominate such individuals.

JOSEPH S. FRANCIS: FOUR DECADES OF SERVICE TO SAN DIEGO

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. FILNER. Mr. Speaker, I rise today to recognize Joseph S. Francis, executive secretary-treasurer of the San Diego-Imperial Counties Labor Council, who will be honored with a Distinguished Service Award by the San Diego-Imperial Counties Labor Council on April 27, 1996.

After four terms and 16 years of exemplary service, Joe Francis is stepping down from his leadership position with the San Diego-Imperial Counties Labor Council, whose affiliates number 103 local unions representing approximately 108,000 members. His strong leadership, vast experience, and organizing skills

have contributed much to the San Diego labor movement.

Raised in New Bedford, MA, Joe Francis moved to San Diego in 1953. Working first at Convair, he took a volunteer position as shop steward. Six years later, he joined the San Diego Fire Department, where he became involved in the local Firefighters Union. He was elected as director of the Union Board in 1965 and later served as secretary and then president of Local 145.

In 1980, after 21 years in the fire department, he was elected to the office of executive-treasurer of the San Diego-Imperial Counties Labor Council with two-thirds of the vote.

Noted for his calm but direct demeanor, Joe Francis reached out to the labor community during his term and brought attention to a broad list of concerns. The Labor Council made great strides under his leadership.

It is no wonder that the San Diego Business Journal called Joe Francis ''San Diego's Top Labor Leader.''

His involvement in countless community organizations is a testament to his dedication. He currently serves on the boards of United Way, the San Diego County Board of Economic Advisors, and the San Diego Technology Council. He previously served on the boards of the Salvation Army and the Regional Employment Training Consortium, among others, and was president of the San Diego Convention Center Corporation.

As he relinquishes his current post with the Labor Council, Joe Francis will retain his position as executive director of San Diego Labor's Community Service Agency.

Mr. Speaker, I join labor leaders in San Diego and across the country in congratulating Joe Francis for receiving the San Diego-Imperial Counties Labor Council's Distinguished Service Award, and I wish him well in all future endeavors.

CONFERENCE REPORT ON S. 735, ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in order to voice my strong opposition to the conference report for the Terrorism Prevention Act. I did not support the House bill as my voting record indicates and I did not intend to cast my support for the conference report. I strongly feel this legislation is a knee-jerk reaction to a most heinous crime. This body has passed enough legislation in previous years to catch and punish criminals who commit these atrocious acts against humanity. Unfortunately, I cannot change my vote but I do wish to make it clear that I opposed the conference report for the Terrorism Prevention Act.

EIGHTY-FIRST ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. COSTELLO. Mr. Speaker, I rise to join my colleagues today to commemorate the 81st anniversary of the Armenian genocide. In 1915, Armenian religious, political, and intellectual leaders were arrested and executed. The campaign of genocide began with this act and resulted in the deaths of over 1.5 million Armenians by 1923.

April 24 is the symbolic day of remembrance for the Armenian community to join together and remember the horrible events of their ancestors. Residents of Armenian heritage in my congressional district believe remembering the past will prevent the world from forgetting.

In addition, because some try to argue the Armenian genocide never occurred, calling attention to the tragedy is particularly worthwhile. Denial of genocide harms the victims and their survivors. That is one reason why I have joined a number of my colleagues in Congress in cosponsoring House Concurrent Resolution 47 to honor the memory of the victims of the Armenian genocide.

I ask my colleagues to join me in remembering the tragedy of the Armenian genocide and in renewing our commitment to human rights. The Congress must stand firm in its resolve to oppose violence and repression against humanity.

HEALTH INSURANCE HELP FOR THOSE 55 AND OLDER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. STARK. Mr. Speaker, I am introducing today legislation to make the COBRA health continuation program available to anyone between age 55 and the time they are eligible for Medicare.

Restructuring, layoff, downsizing, cutback, retrenchment—these words are heard too often in the 1990's. Amid corporate struggles to maintain profitability or simply to stay afloat, something else is shrinking: the number of permanent, full-time jobs.

As the level of employer-provided insurance declines and as hundreds of thousands of older workers face early retirement because of corporate downsizing, layoffs, and restructuring, the problem of health insurance for those not yet eligible for Medicare is becoming more and more serious.

While corporate profits were surging to record levels in 1994, the number of job cuts approached those seen at the height of the recession, according to a May, 1995 Wall Street Journal article. Profits rose 11 percent in 1994, on top of a 13-percent increase in 1993. Corporate America cut 516,069 jobs in 1994.

International Business Machines Corp. [IBM] notified 1,200 employees last fall that they would no longer have jobs. Yet IBM's fourth-quarter profits were $2.03 billion.

At AT&T, 40,000 jobs were recently cut. Workers will get a lump-sum payment based on years of service, up to 1 year of paid health benefits and cash to cover tuition costs or to start a new business—but what happens to health coverage after the 1 year?

In Colorado, the Adolph Coors Co. announced plans in February to lay off as many as 150 of its 230 construction workers, despite profits of $5.3 million in the fourth quarter.

Safety Stores undertook one of the most brutal corporate downsizing in history as a result of its leverage buyout in the mid 1980's. Safeway dumped 55,000 employees with no medical insurance, virtually no notice, and a maximum of 8 weeks severance.

A 1994 Nationwide study of 2,395 employers by A. Foster Higgins & Co., a New York based benefits consulting firm showed that among large companies—those with 500 or more employees—46 percent provide some form of coverage for early retirees, while only 39 percent provide insurance for Medicare-eligible retirees. Fewer than one in five large employers are willing to pay the entire cost of health care for their retirees, while 40 percent of the companies that do offer some form of health care coverage require the retiree to pay all of the costs. Those companies that do provide health care coverage for their retirees are increasingly requiring them to pay a share of the cost, especially for dependents.

Employee Benefit Research/Institute [EBRI] tabulations of the March 1995 Current Population Survey reveal that almost 14 percent of the near elderly, consisting of persons aged 55–64, was uninsured in 1994. As the baby boom generation approaches near elderly and elderly status, the issue of health insurance coverage for this group becomes increasingly important, particularly if the proportion of individuals aged 55–64 with employment-based coverage continues to decline.

Group health insurance is, of course, much less expensive than individual policy insurance, and that is why the COBRA benefit is so important and useful. The difference in cost can easily be several thousand dollars.

Help with the cost of this insurance is particularly important for those in their 50's and 60's because most insurance premiums rise sharply with age. For example, in the Los Angeles market, Blue Cross of California offers a basic, barebones in-hospital $2000 deductible plan. This is a PPO plan where you are restricted to the hospitals you can use. For a couple under age 29, it costs $64 a month. For a couple between age 60 and 64, it costs $229 a month.

To help ensure that the cost of COBRA continuation is not a burden to business, my bill calls for age-55+ enrollees to pay 110 percent of the group rate policy—compared to 102 percent for most current COBRA eligible individuals and 150 percent for disabled COBRA enrollees.

I know that the cost of paying one's share of a group insurance policy will still be too much for many Americans and many of them will be forced into the uncertain mercies of State Medicaid policies. But for many others, this bill will provide an important bridge to age 65 when they will be eligible for Medicare. I wish we could do more—I'd like to see the gradual expansion of Medicare to all age groups, for example—but in the current climate, this bill is our best hope.

Over the years, I've received many letters from around the Nation on the need for national health insurance reform. Several of

these letters describe lives which would be greatly helped by the passage of this legislation, and I include them at this point in the RECORD.

I am attaching a copy of a letter that I sent to several people earlier this year. I have to amend one inference in that letter—that I would have no health coverage after the expiration of the COBRA coverage. I would have coverage if I could afford the ridiculous $12,000 or $14,000 figures I quoted previously.

MAN FROM ILLINOIS, AGE 55+.

DEAR REPRESENTATIVE STARK: I am 60 years old and I have been employed as a publishers representative for many years with a large company, Harcourt Brace Jovanovich. They became victims of a hostile take-over and I watched a distinguished company break down under the weight of excessive debt.

About four years ago I developed a heart condition, which was being treated for medically and I was able to function without any handicap in my work. Three years ago, a smaller firm, ''XYZ'', made me the proverbial ''offer that can't be refused'' and I joined them with their full knowledge of my heart problem.

A year later, my doctor advised a by-pass operation which went well and after about a month I was back at work. One year later I was laid off due to ''a slowdown in the economy.'' I can only speculate on the real reason but, it followed a letter explaining that the company's self-insurance plan would not allow additional expenses for my heart condition. Thank all of you for COBRA, which now covers me until March, 1993, (at a cost of over $6000/year). I can only hope the by-pass will last until some other coverage can be found.

The point of all this is: what happens now? As a sixty year old ''cardiac case'', I have had not one job offer, although many people want me to work for them as a ''per-diem'' or independent sales representative. I'll probably resort to this, but having talked to many insurance companies, including the company which offers the group policy for the National Association for the Self-Employed, they all say I'm uninsurable. This means that regardless of whether I can afford insurance or not, I can't get it and that leaves me and my family vulnerable for years, until I reach 65 and Medicare becomes available, (assuming you can keep the wolves away from it and it still exists in 1996).

After talking with neighbors and colleagues, I find I am not alone in this problem. There seems to be an increasing number of 55 to 65 year olds, who are laid off for weak reasons, and find themselves very much alone and without a spokesman.

A MAN FROM TEXAS.

I recently turned 62 years of age and have become the recipient of Social Security benefits. During my 48 years of working life (yes, I began at 14 in Idaho at the Farragut Naval training Station), I have paid my way through the various taxing bodies and reaped the harvest and the bounty created by living in this great nation (California since 1948). The major portion of my career was spent with the Bank of America where I was employed for 27 years reaching the highest position of branch manager. After leaving them in 1981, I was in a management position with a local yacht club and following this I worked as a private contractor doing research work for a computer company and an architectural supply firm. The reason I chose to apply for Social Security at age 62 was because I found (over the past year) no interest in my years of experience in any kind of a employment. I applied to a number of employers including the local County School Districts and Administrative offices to no avail! That's enough for background.

Now for the help I hope my State or National government can provide. I recently discovered I had to apply for health insurance. The coverage I now have, which I obtained from my last employer under COBRA and for which I have been paying $136.27 a month (out of the $911.00 a month I receive under SS and BofA retirement plans) will soon run out. I applied to Kaiser Permanente which I felt has representative coverage with a comparable cost (I really can't afford to pay more the 15% of my gross income for health care). Because I was honest in answering the application questions I received a letter denying me coverage. I haven't yet applied elsewhere and will not until I get some kind of response to this plea. I suspect I will be further denied or be offered something beyond my economic abilities. I might point out (which I did to Kaiser) that beyond normal physical exams I have had good enough health that I have not had to consult a physician in over 15 years and that was for some minor surgery.

MAN FROM CALIFORNIA.

DEAR REPRESENTATIVE STARK: Terrorism. From my mailbox.

Monthly major medical premiums to Washington National Insurance Company were raised to $408. per month ($5000/year) from $247. per month ($3000/year), with a $1500 deductible! Writing about it even terrifies me.

I am 62 years old now; minimum costs by age 65 will be $15,000 without considering the usual yearly or 6 months premium increases. I live on a modest fixed income. Premiums have risen over 900% in 11 years.

There are millions like me who will go without insurance and even minimum health care, I know some already. We do not live in the ghetto. We have worked hard, raised families and contributed to our communities.

Who is proposing a way to stop this obscene, outrageous extortion? Please don't write to me reciting the usual cliches about health care. The problem has been defined and redefined already. Action is needed!

A WOMAN FROM ILLINOIS.

DEAR REPRESENTATIVE STARK: My husband is a retiree and is now covered by Medicare. I am still covered under COBRA; this coverage will last until the end of the year. This is a problem for me.

Over five years ago, I had breast cancer and underwent a mastectomy. There has been no recurrence of malignancy since; however, I am unable to purchase health insurance unless the ''cancer clause'' is eliminated. I am 61 years old. My insurance will end when I am 62 . . . three years away from Medicare.

Although we are retired and have saved for such a retirement, a recurrence of cancer would ''wipe out'' all that we have saved for, would endanger our son's college education as well as threaten my own life.

You cannot save my life; but you can save the future that we have planned for our entire lives.

A WOMAN FROM ILLINOIS.

DEAR REP. STARK: Although I am not part of your California constituency, this letter is written to commend and encouage you on your efforts to enact national health insurance for spouses of retirees over 62 years of age. A small packet of information is enclosed to supply additional information in this regard.

I've been out of work for five years due to ''corporate downsizing'' (or restructuring). I was 59 years of age with 9+ years of service at the time. Since then, I have paid constantly escalating Ohio Blue Cross payments while eagerly looking forward to the day when I would be covered by Medicare. I recently reached that age and invite you to look at my ''big savings''. My wife is 61.

Before 65: $723.62. After 65: Wife's bill, $491.24; my bill, $156.40; Medicare bill, $59.80; (2 months at $29.90) $707.44.

These oppressive costs are being taken out of savings accumulated way back from my first job paying 32 cents per hour. I have no pension nor paid benefits. I probably hold the record working for companies going out of business.

My basic plea: Grant Medicare coverage to spouses over 62 years of age wedded to present Social Security recipients.

Want to pull the country out of the recession? Relieve us of this medical cost burden and we'll spend like drunken sailors. . . . I drive a 10 year old car and haven't bought any new appliances in over 15 years.

MAN FROM OHIO.

DEAR CONGRESSMAN PETE STARK: My left leg was amputated because of diabetes on 2–6–89. While I was still in the hospital, just after surgery, I was dropped from Travelers Insurance Lifetime and Fifty Thousand Dollar Coverage and Union Pacific Railroad Health Systems. The latter being a Supplemental Coverage. I have no coverage at all now, and can't get any. I have tried to sign up with any and all companies, but was turned down, because no Insurance Company will cover my disabilities (Diabetes and Heart). Have also tried to get Social Security, Medicare and Midicare for Railroad Retirement Beneficiaries because of my disabilities. I do not qualify for any of these, because I am 62 years old and do not have enough quarters in for Social Security. I was told to get in touch with you, and maybe you might be able to help me get some coverage.

WOMAN FROM CALIFORNIA.

I urgently need help in obtaining information on any health insurance plans that might be available for non-employed persons who have been turned down by other providers.

My mother is 60 years old and the health insurance provided through my father's employment will soon expire (he retired in August 1987). The provider advised her that she will no longer be covered after this July. She has never filed a claim against this company; her coverage is being terminated because her eligibility through my father is expiring. She will not be eligible for Medicare until she is 65, and she has been unable to find other health insurance due to her age and poor health.

WOMAN FROM CALIFORNIA.

As I am sitting here and collecting my thoughts before writing to you, I find myself becoming more incensed at my health insurance situation or the future lack of it.

At the present time, I have group health coverage for myself and my wife because of the COBRA Law. This coverage is good for another approximately 8 months. At the expiration of that coverage, I can apply for group conversion. Sounds rather civil, doesn't it?

At only $12,769 or $14,031 annually for myself and dependent coverage. Needless to say, I cannot afford that. What are my alternatives?

Apply for the Illinois Comprehensive Health Insurance Plan under which our insurance costs would be $9,768 or $8,928 annually?

Ignore health coverage completely and wait for some illness to eat up my assets and then go on state aid?

Change employers and hope that its group insurance is more benevolent?

Or try to convince some responsible person or persons that our bottom line insurance industry is just that and nothing more. Our society has gone through its revolution and evolutions and deregulations. Perhaps it is time to go through a period of regulation (another form of evolution)—regulation of the insurance industry. Or if that is not possible, then I think that the Federal government must step in to fill the void that private industry will not handle—we cannot leave it to Beaver or private industry.

HONORING THE TIMOTHY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Timothy Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

LAUDING THE REPEAL OF THE BAN ON MILITARY PERSONNEL WITH HIV

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. LANTOS. Mr. Speaker, I wish to commend President Clinton in particular and my colleagues in the Congress who agreed in the latest appropriations legislation for fiscal year 1996 to repeal the recent provision in the defense authorization bill which would have mandated summary discharge of military personnel with the HIV virus. That provision, Mr. Speaker, was an outrage, and I applaud its repeal.

The so-called problem of HIV-infected military personnel is a shibboleth. No logical reason exists to single out those people serving in the armed forces who have HIV. People suffering from other, far more contagious ailments are not subjected to the same discrimination. They are not kicked out and forced to lose accrued benefits and promised health care. This ban is more a reflection of fear and bigotry than rational military and health policy. It is patently discriminatory and unfair.

Although HIV can be contracted in a number of ways, let us not pretend that this ban was not directed at gay and lesbian Americans who contribute to our national defense. Gay and lesbian Americans have served our Nation in the military with great distinction for as long as this Nation has existed. They deserve much better than this.

Mr. Speaker, I share the President's conviction that compassion and clearheaded reason must be employed in confronting the HIV virus and its effects. The repeal of this ban is a positive step in restoring reason to the discussion. I ask my colleagues to join me in applauding the repeal of the ban on military personnel with HIV.

A TRIBUTE TO THE LUCY BARNSLEY SCHOOL, ROCKVILLE, MD

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mrs. MORELLA. Mr. Speaker, I rise in tribute to the students, faculty, and parents of the Lucy Barnsley School in Rockville, MD on the occasion of the thirtieth anniversary of their school. The Lucy Barnsley School opened in 1965 for elementary school children and is currently responsible for educating 542 students from kindergarten through fifth grade.

Lucy Barnsley is one of four elementary centers in Montgomery County for highly gifted students in grades four and five. In 1979, a program for deaf and hearing-impaired students was incorporated into the regular teaching program. The school boasts a unique fifth grade singing group known as the Fabulous Flying Fingers. Under the direction of Theresa Burdett, the group uses sign language to communicate the meaning of their songs to the hearing-impaired. The group has performed on two occasions at the White House.

The Lucy Barnsley School demonstrates its dedication to children and their education through innovative programs like the Fabulous Flying Fingers. Principal William Beckman emphasizes the importance of innovative teaching methods, team teaching techniques, and a strong sense of cooperation among the faculty at Lucy Barnsley.

Please join me in congratulating the Lucy Barnsley School on 30 years of dedication to the education of children in Rockville and best wishes for 30 more to come.

TRIBUTE TO CAPT. MICHAEL DOWD

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to a very special individual from the Eighth Congressional District of New Jersey.

On the night of February 27, 1995, Captain Michael Dowd tied a rope around his waist, was lowered down the side of a four-story burning building, and saved the life of a 3-year-old child. For this remarkable display of bravery, I am proud to honor Captain Dowd for receiving the New Jersey state Firemen's Mutual Benevolent Association's Valor Award.

Valor and courage are attributes that are essential for all firefighters, yet hopefully they are never truly tested in a life-threatening situation. On February 27, 1995, Captain Dowd displayed the kind of valor and courage that not only makes us all proud but leaves us stunned with amazement and admiration.

It is these displays of intense dedication to public service and community, as well as the pure compassion and value for human life, that symbolize what America is all about. Captain Dowd serves as a wonderful role model not only for those in his community of West Orange, NJ, but for the national community as well.

Captain Dawd was willing to risk his own life in order to save another's, and for this he has received the New Jersey State Firemen's Mutual Benevolent Association's Valor Award. I am proud to give praise and honor to this remarkable individual for his extraordinary demonstration of heroism.

Speaking for the citizens of the Eighth Congressional District, I offer heartfelt congratulations, and wish you continued success.

TRIBUTE TO LA GRANGE POLICE OFFICERS ROBIN PROKASKI AND JIM LIOTTA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. LIPINSKI. Mr. Speaker, today I wish to pay tribute to two outstanding police officers who heroically risked their lives to save two people from a burning house in my district.

Officers Robin Prokaski and James Liotta of the La Grange, IL police department were the first to respond to an alarm that brought them to a burning house in the community in the early morning hours of February 24. One occupant of the house, Jerry Chlapcik, had escaped the flames and smoke, but his elderly wife and his daughter, a guardriplegic, were still trapped inside. Officers Prokaski and Liotta climbed through a window and found the mother attempting to get the daughter out of bed.

Working quickly in the dense smoke, they were able to get both mother and daughter out of the house, handing the victims out of the window.

For their heroic efforts, Officers Prokaski and Liotta were awarded the Chief's Award of Valor from the fire department.

Mr. Speaker, I commend these two brave police officers, and I wish to remend all Americans of the debt they owe those who risk their lives to protect ours.

IN CELEBRATION OF THE ANNIVERSARY OF ISRAELI INDEPENDENCE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. DORNAN. Mr. Speaker, on April 24, we joyously celebrated the 48th anniversary of the birth of the State of Israel. For more than 1,800 years, the Jewish people would recite a prayer: ''Vesechezena Aynanu B'Schuvcha L'Zion'' (May we behold Your return in mercy to Zion). It is by the grace of God that the children of Israel were able to return to their ancestral homeland.

Independence Day is celebrated as a Jewish holiday on the fifth day of the Hebrew month of Iyar, which is recognized on April 24 this year, and marks the Athchalta D'Guela, the beginning of the redemption, as promised by God. The struggle of the survival of Israel is a testament to the determination of Jewish people worldwide. Regardless of how difficult it has been over the last 48 years to protect and defend Israel, it pails in comparison to the trials and tribulations the Jewish people have suffered throughout history. From Moses leading the Jews from slavery in Egypt to surviving the tyranny of the Roman Empire and the ensuing diaspora to the horrors of the Holocaust, the perseverance and faith of the Jews is unmatched.

Unfortunately, this last year has been another tragic test for Israel in its quest for peace. As Israel has tried to expand peace with its neighbors, starting with Egypt and spreading to Palestine and Jordan, we lost one of the great men of our time—Prime Minister Yitzhak Rabin, who was a true patriot and a man of everlasting honor to his nation, to his people, and to the rest of the world. His quest to resolve the disputes with Israel's neighbors and to expand peace to Syria and the other Arab States will be of lasting historical significance. I continue to miss the presence of Mr. Rabin because of his calming influence in the sea of trouble.

The State of Israel has been the beacon of freedom and democracy in the Middle East for nearly a half a century. I am proud to see the peace process expand and to see Israel and the Arab States begin the process of building economic ties. I firmly believe once these nations cement their relationship through economic association, the binds of peace will be permanent, as long as all concerned respect the peace and security of the Israeli State.

I am, therefore, pleased to join my colleagues in wishing Israel a warm greeting in recognition of their independence. I will always pray for her safety and I will continue to work to ensure that the United States remains its loyal ally and friend. May God continue to bless this nation.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. MENENDEZ. Mr. Speaker, on rollcall No. 127, H.R. 1965, the Coastal Zone Prevention Act, had I been present, I would have voted ''aye.'' On rollcall 128, H.R. 2160, the Cooperative Fisheries Management Act, had I been present, I would have voted ''aye.'' On rollcall vote 129, had I been present, I would have voted ''aye.'' And on rollcall vote 130, H.R. 2715, the Paperwork Elimination Act of 1995, had I been present, I would have voted ''aye.''

HONORING THE WATERTOWN VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Watertown Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO ANN BELKNAP BENNER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. LANTOS. Mr. Speaker, on Tuesday, Ann Benner, a great friend and a truly extraordinary American, passed away. The boundless energy that drove her to be a heroic supporter of her family and her community every day of her 77 years succumbed in the face of its ultimate challenge. Now, her many companions in the afterlife can enjoy the strength of her spirit and the glow of her love.

Over the 2 years that Ann knew she had terminal cancer, she was at her desk in my district office doing the good work on which I and countless others had come to depend. It is hard to imagine that office without the reassuring presence of Ann. She was a true friend, an invaluable asset and the most compassionate human being I have ever met. I will miss her terribly. All of us in San Mateo and those in Washington who have worked with her will miss her terribly.

When I first sought office 17 years ago, Ann was one of the first people to volunteer for my campaign. It was obvious from looking at Ann's remarkable list of credentials and accomplishments that she was a woman instilled with an incredible sense of community spirit, education and political activism that went far beyond ordinary civic duty. I was only too happy to offer her an outlet for this fountain of enthusiasm, just as I have been happy to do so for the last 17 years. She started that day, and continued every day after that, doing what was necessary to promote the ideas that she believed in and was willing to fight for.

As a special assistant in my district office, Ann took every constituent problem, large or small, with the same zeal that she tackled everything else in her remarkable life. As I did when I first met her, everyone recognized and appreciated that they receive a straight answer from Ann—she told it like it was, and found out all she could about every question or complaint.

One of the most compassionate acts I have ever witnessed was when Ann, at the age of 70, took on the awesome responsibility of adopting a young girl from South Africa. Ann gave that girl access to a modern society that was closed to a South African black. Ann did this with no regard for her own comfort and at considerable personal sacrifice because she thought the treatment that girl had received in South Africa was unjust.

Ann's contribution to the country that she loved began long before I met her, demonstrating the vision and initiative that characterized her whole life. In 1941, she was a founding member of the Unitarian-Universalist Church in San Mateo. In recognition of her commitment to the Unitarian community, the congregation established and annual award for service to the church and community which was named the ''Ann Benner Award.'' In 1945, she was a founding member of the League of Women Voters of Central San Mateo County. Not one to limit herself to one category or cause, Ann was an active lifetime member of the NAACP, promoting civil rights in many effective capacities.

More recently, Ann was named the ''Democrat of the Year'' by the San Mateo County Democratic Central Committee in 1975. In 1981 she was named ''Woman of the Year'' by the San Mateo County Business and Professional Women. And, in testament to her overwhelming contributions to the advancement of women, in 1991 Ann was named to the Women's Hall of Fame of San Mateo County.

Ann's departure leaves a void in my heart and in the community we shared that will be impossible to fill. Because of her efforts, Ann has left the world she entered 77 years ago a richer, more humane place. There will always be a place in my heart for Ann, just as her

memory will live on in all the lives she touched. Ann, yours is a light that cannot be extinguished. I send you my love.

IN MEMORY OF LESLIE STRATHMANN, VILLAGE MANAGER OF FRIENDSHIP HEIGHTS

HON. CONSTANCE A. MORELLA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mrs. MORELLA. Mr. Speaker, I rise today in memory of Leslie Strathmann, village manager of Friendship Heights. For 9 years Mrs. Strathmann served in exemplary fashion at this post. On April 13, her coworkers honored her at the 10th anniversary celebration of the Friendship Heights community center, naming a conference room in her honor and dedicating the ceremony to her. Leslie Strathmann passed away later that day, her lifetime of dedicated public service cut short by cancer at 54. She will be dearly missed.

Leslie Strathmann's extensive career in pubic service brought much to the Friendship Heights community. She served as vice president of the Friendship Heights Rotary where she helped organize annual Rotary fundraisers and community service projects to benefit village residents. While serving on the Montgomery County Committee on Committees she reviewed all county committees and helped streamline committee rules and structure. She coordinated Bethesda Action Group meetings between county transportation officials and citizens to resolve traffic and transportation issues.

It is hard to imagine Friendship Heights without Leslie Strathmann. The programs that she helped to create have made Friendship Heights' community center a true meeting place for the community, with classes in various disciplines, care groups for the young, and organizational meetings of all sorts. As village manager, she took it upon herself to do all that she could to better the Friendship Heights community.

In all of her work, Leslie Strathmann helped to resolve the everyday concerns of the people of Friendship Heights. Her skills and her dedication made her a valuable member of the Friendship Heights community. Leslie Strathmann leaves behind a vacancy that will be hard to fill, not only as village manager, but in the hearts of the people that knew her. She will be missed, but she will live on in love. I know that my colleagues will join me in honoring and remembering Mrs. Leslie Strathmann, and in giving condolences to her husband of 33 years, Dr. William D. Strathmann, her two sons, Joseph and William, her daughter-in-law, Kathleen, her father, Joseph R. Micali, and her sister, Judy M. Daly.

THE FUTURE IS OURS TO CREATE

HON. RICK WHITE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. WHITE. Mr. Speaker, I am pleased to welcome the Wound, Ostomy, and Continence Nurses Society [WOCN] to Seattle, in my home State of Washington, June 15 to 19, for their 28th annual conference. The theme of the conference, ''The Future Is Ours To Create,'' will focus on future opportunities and challenges relating to the changing and expanding role of ET—enterostomal therapists—nurses and other nurses specializing in wound, ostomy, and continence care.

Founded in 1968, the WOCN is the only national organization for nurses who specialize in the prevention of pressure ulcers and the management and rehabilitation of persons with ostomies, wounds, and incontinence. WOCN, an association of ET nurses, is a professional nursing society which supports its members by promoting educational, clinical, and research opportunities, to advance the practice and guide the delivery of expert health care to individuals with wounds, ostomies, and incontinence.

In this age of changing health care services and skyrocketing costs, the WOCN nurse plays an integral role in providing cost-effective care for their patients. This year's Seattle conference will provide a unique opportunity for WOCN participants to learn about the most current issues and trends related to their practice. I am honored that WOCN has chosen Seattle to host its conference and wish them every success.

TRIBUTE TO WILLIAM C. DUNNE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. LIPINSKI. Mr. Speaker, today I come to the floor of the U.S. House of Representatives to honor one of my constituents, William C. Dunne, for his long and distinguished career with the U.S. Secret Service.

This month Bill Dunne retired from the Secret Service and tonight his colleagues from the law enforcement community, as well as his family and friends, will all come together to honor him at a retirement dinner.

One from a family of 10, Bill was born and raised on Chicago's Southwest Side. After receiving a degree in law enforcement administration from the University of Oklahoma, Bill began his career as a special agent with the U.S. Treasury's Bureau of Alcohol, Tobacco and Firearms. Within 2 years Bill was presented with the opportunity he sought since childhood—to become a special agent with the U.S. Secret Service.

For over 20 years, Bill served with distinction as a special agent with the Secret Service. Bill worked in the Secret Service's Syracuse and Chicago field offices, as well as the Washington, DC, headquarters where he served on the protection detail for President Ronald Reagan. In Washington, Bill's protection experience, talents, and skills caused his elevation to head the protection detail for former U.S. Secretary of the Treasury and Chief of Staff Donald Regan.

During his distinguished career, Bill Dunne traveled abroad frequently ensuring the safety of U.S. Presidents, Vice Presidents, and other Government officials in foreign lands. Bill's protection duties over the years also included Presidential candidates, foreign diplomats, and Pope John Paul II during his visit to Chicago in 1979.

His last assignment was in the capacity as a supervisor in the Chicago field office. In addition to his protection responsibilities, Bill led many successful criminal investigations in counterfeit and fraud cases involving U.S. currency and financial instruments.

Mr. Speaker, I ask my colleagues to join with me today in saluting Bill Dunne, his wife Pat, and their four children, Bill, Patrick, Shannon, and Colleen, and to wish them the best in the future.

HONORING THE SALEM-BLACKMAN VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Salem-Blackman Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their homes catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO THE VETERANS OF FOREIGN WARS, MILES A. SUAREZ POST 711

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to a very special group of Americans from the Eighth Congressional District of New Jersey.

The Veterans of Foreign Wars, Post 711 has for 75 years offered a steadfast portrait of loyalty, sacrifice, and self-resolve.

Our loyalties mark the kinds of persons we have chosen to become. Real loyalty endures inconvenience, withstands hardship, and does not flinch under assault. The individuals who make up the Miles A. Suarez VFW Post consistently allow this genuine loyalty to pervade the whole of their lives.

The members of VFW Post 711 remind us that the loyal, patriotic citizen expects no great reward for coming to his country's aid. On the contrary, a devoted patriot seeks only that his country flourishes.

When it comes to honoring their country, their faith, and their comrades, the veterans of post 711 have demonstrated both the wisdom to know the right thing to do, and the will to do it. Truly, they have lived up to the obligations of loyalty, patriotism, and service.

To be a loyal citizen means to achieve a high standard of caring seriously about the well-being of one's Nation. I am proud to honor and praise VFW, Post 711 for exceeding this standard. Congratulations for your 75 year history of community pride and American patriotism.

AGRICULTURAL WATER DELIVERY ACT

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. CRAPO. Mr. Speaker, I rise today to introduce legislation to help remedy a problem that is particularly burdensome to the water delivery companies in the West. Like many seasonal businesses, complying with the Fair Labor Standards Act has become a huge burden to both water delivery companies and their employees.

Irrigation has never nor will it ever be a 40 hour a week job. During peak agricultural months, water must be managed and delivered continually. Later in the year, the work load is light, consisting mainly of maintenance duties. Time off and winter compensation have been the methods of compensating for overtime during these peak agricultural months. Instead of being allowed to offer their employees winter compensation or time off, water delivery companies must now lay off water delivery personnel after the peak agricultural months.

Under current law, contained at 29 U.S.C., sec 213(b)(12), an exemption from the maximum hour requirement exists for employees hired to work in conjunction with water delivery companies that deliver water ''exclusively'' for agricultural use. This exemption was designed specifically to address the unique problems faced by water delivery companies when complying with the Fair Labor Standards Act.

Under the current interpretation of the law, water delivery organizations must deliver their water ''exclusively'' for agricultural purposes to qualify. For many water delivery organizations who deliver a small portion of their water for nonagricultural purposes, this interpretation has been disastrous. They are unable to benefit from the exemption even though it was designed with water delivery companies in mind.

I am introducing legislation that would expressly set the requirement of water to be ultimately delivered for agriculture purposes at 75 percent. This adjustment more accurately reflects the realities of agricultural water delivery. It would also benefit agricultural employees by making it possible for employers to provide them with year-round compensation rather than seasonal wages.

IN HONOR OF CARMEN MALDONADO: WOMAN OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Carmen Maldonado, a woman of distinguished character and grace. The Puerto Rican Society of Elizabeth, Inc. will honor her with its Woman of the Year Award on April 28 in Linden, NJ.

Mrs. Maldonado arrived in New York from her native Puerto Rico in 1950. While living in New York, she met and married Sal Maldonado and later moved to Elizabeth with their children Edgar, Joseph, Carmen, and Edna Isabel. Shortly thereafter, Mrs. Maldonado began working with the Elizabeth Board of Education. For a quarter of a century, she has dedicated herself to improving our educational system. As a liaison between the community and the school district, Mrs. Maldonado interacts with the students, parents, and teachers to create a better environment for our school children.

Mrs. Maldonado genuinely cares about her community. She dedicates her energy to various community services that aid the citizens of Elizabeth. For example, Mrs. Maldonado devotes her time to improving city services for the elderly as a board member of Community Services for Senior Citizens. Her charitable committment to the community does not stop there. She is also involved in improving the educational needs of the adult community, an active member of P.R.O.C.E.E.D., Inc. and president of the local Y.M.C.A. With her busy schedule as a full time mother and career woman, Mrs. Maldonado still finds time to help her community.

In addition, Mrs. Maldonado is a member of other organizations, including the Puerto Rican Society of Elizabeth, Inc. and Saint Patrick's School and Church. Over the course of her distinguished career, Mrs. Maldonado has won many awards. She has been honored by the Hispanic Association of Saint Patrick's and has received the Elizabeth Port Pride Day Good Neighbor Award.

Mrs. Maldonado's committment to the people of Elizabeth exemplifies the true meaning of compassion, dedication, and service. I ask my colleagues to join me in honoring Mrs. Carmen Maldonado, an outstanding individual.

IN COMMEMORATION OF THE 25TH ANNIVERSARY OF FOSTER CITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. LANTOS. Mr. Speaker, I rise today, on the 25th anniversary of the founding of Foster City, CA to pay tribute to the city and its citizens for building an exemplary community.

Foster City was originally founded and developed by T. Jack Foster. In 1960 he acquired the 4 square miles known as Brewers Island in order to begin building a vision that today we honor as a dream fulfilled. The original concept was to develop a balanced community able to function physically, economically, and socially to meet the needs and desires of its residents.

A massive construction operation was necessary to convert the land into a new city of the future. Eighteen million cubic yards of fill were necessary to provide gradient for the storm water runoff and cover for the utility lines as well as support for the buildings. Two hundred and thirty acres of lagoons had to be created to collect the storm water and hold it for pumping into the Bay. Drinking water was later brought to Foster City through the City of San Mateo from the San Francisco water system.

Foster City faced a number of adversities both political and physical. The engineering challenge of creating Foster City from the marshlands of Brewer's Island required enormous financial backing, but this did not deter its developers. For 5 years the Foster City Community Association fought an intense legal battle with the district board to obtain incorporation of the city. Despite the daunting task, the citizens of Foster City overcame the mire of bureaucracy to deliver on a promise that T. Jack Foster had originally envisioned. On April 27, 1971 Foster City was incorporated thus establishing a council/city manager form of local government with a five member city council. By 1971 there were more than 10,000 residents of this emerging community, and they voted to incorporate as a city. Since that time, public facilities, commercial developments, and new homes have continued to be built.

Foster City is a community of people dedicated to the purpose of education and maintaining the quality of life of the community. In keeping with these commitments, 1996 marks the opening of a new library, a remodeled recreation center, and an updated Brewer Island Elementary School. Foster City remains a planned community today—dedicated to the fundamental values that ultimately enrich America as a whole.

Today, Foster City is widely regarded in the San Francisco Bay Area as one of the preeminent communities in which to live. Prosperity has come with stability. It is the proud home of over 30,000 people. It is especially meaningful for me to be able to rise today on behalf of each of those citizens to pay tribute to the city they call home.

Mr. Speaker, on this day, I invite my colleagues to join me in honoring the celebration of Foster City's Silver Anniversary, and I invite my colleagues to join me in congratulating the community of Foster City for its admirable accomplishments and outstanding determination.

TRIBUTE TO FRANK GARCIA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. DORNAN. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual who resides in my district, Francisco ''Frank'' J. Garcia. Frank was recently recognized by the Points of Light Foundation for his exceptional community service, 1 of just 20 recipients of the prestigious 1996 President's Service Award.

Frank is a local restaurant owner in Anaheim, CA. His restaurant, La Casa Garcia, is

actually located just across the street from my district office. Everyone just raves about the food there. In fact, the Orange County Register has recognized La Casa Garcia for serving the best Mexican food in the area.

But what's amazing is this, Mr. Speaker. Since 1987, Frank has served more than 50,000 needy individuals at his restaurant with free, home-cooked meals on Thanksgiving Day. In fact, just last year, Frank led 500 volunteers to serve a complete Thanksgiving dinner to needy people throughout our community. He organized the event, collected the food through donations and wholesale prices, and recruited the necessary volunteers to make the whole day a success.

Frank has so much to be proud of. The President's Service Award, established back in 1982, is the most prestigious award ever presented for community service. The winners are honored not only for their own outstanding work, but also as representatives of volunteers in every community nationwide. The award recognizes individuals who have performed outstanding work in public safety, education, environmental protection, and humanitarian aid.

In a recent news article in our local paper, Frank noted that ''everybody needs to take pride in themselves. We all should support each other.'' These are powerful words that emulate the kind of life all Americans should lead.

Mr. Speaker, Frank Garcia is a shining example of the American spirit and an exemplary inspiration to us all. His outstanding public service has set a high standard for others to follow. I want to congratulate him for this honor and thank him for serving his fellow man so selflessly. May God bless him and reward him for his kindness and generosity.

HONORING THE SOUTH ALLEN VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the South Allen Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro, where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO MICHAEL J. ZALEWSKI

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to an outstanding young man from my district, Michael J. Zalewski, who was recently honored for academic excellence at St. Rita High School.

During St. Rita's academic awards banquet, Mr. Zalewski, a senior bound for the University of Illinois, was recognized nine times for his scholastic achievements. He was cited as a member of the St. Rita 1996 Academic All-Stars, a winner of the 1996 Heeney Award, as an Illinois State scholar, and as a recipient of the Presidential Educational Award.

Mr. Zalewski was named as a member of the Gold Honor Roll at St. Rita, the JETS Science Team, the National Honor Society, and was listed in ''Who's Who Among American High School Students.'' In addition, he received the U.S. Marine Corps Scholastic Excellence Award.

Mr. Speaker, I congratulate Michael J. Zalewski, and of course his parents, Michael R. and Millie Zalewski, on his academic achievements, and extend to him, as well as the members of the Class of '96, my best wishes for much success in the future.

IN HONOR OF EDWARD ''ROY'' HUELBIG: A TRUE AMERICAN HERO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Edward ''Roy'' Huelbig, an exceptional individual, who had distinguished himself through tireless dedication to the veterans, firefighters, and police officers of his community in Hoboken and throughout the State of New Jersey. Mr. Huelbig will be honored for his numerous years of service by United Cerebral Palsy of Hudson County at a ceremony at the F.A. Mckenzie American Legion Post 165 in Bayonne, NJ on April 27.

Mr. Huelbig's record of service to helping others began in Hoboken, where he was born and raised. He attended Our Lady of Grace Grammar School and St. Michael's High School in my hometown of Union City. When the Nation called, Mr. Huelbig answered by entering the U.S. Army in 1943, where he served in the European theather of operations during World War II. For his steadfast bravery in combat, Mr. Huelbig was awarded four battle stars and a Purple Heart.

Upon returning to the United States, Mr. Huelbig was appointed to the Hoboken Fire Department in 1948, which benefited from his valuable contributions as a firefighter for over 25 years. After retiring from a position with the A-P-A Trucking Co. in 1986, Mr. Huelbig devoted his time to a number of charitable organizations. Mr. Huelbig's expertise in community involvement has been an invaluable resource for a number of groups throughout the State. While Mr. Huelbig serves as secretary of the Retired Police and Fireman's Association, it is the veterans of New Jersey who owe Mr. Huelbig the greatest debt of gratitude. He is chairman of the Hoboken Elks Lodge 74 Veterans' Committee which ''adopts'' five individuals at the Veterans Home of Paramus by celebrating birthdays and Christmas with them, in addition to organizing field trips to sporting events. A past commander, Mr. Huelbig now serves as legislative chairman of the Disabled American Veterans Hoboken Chapter 8, which helps raise funds for the five veterans hospitals in New Jersey.

Even though Mr. Huelbig has exhibited a tremendous commitment to community organizations, the main focus of his life has been his family. He was married to the former Ellen Lynsky who passed away in November 1985. Mr. Huelbig is the father of three children: a daughter, Kerryann Ganter, and two sons, Kevin and Roy Huelbig. He is also the proud grandfather of five.

It is an honor to have such an outstanding and dedicated individual as Edward ''Roy'' Huelbig residing in my district. His efforts are testimony to the fact that one person can make a difference in the lives of others. I ask my colleagues to join me in recognition of this true American hero.

THE WOUND, OSTOMY AND CONTINENCE NURSES SOCIETY

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. METCALF. Mr. Speaker, I rise to address the House and ask permission to extend and revise my remarks.

I am pleased to welcome the Wound, Ostomy and Continence Nurses Society [WOCN] to Seattle, WA on June 15–19, for their 28th annual conference. The theme of the conference, ''The Future is Ours to Create,'' will focus on future opportunities and challenges relating to the changing and expanding role of ET (enterostomal therapists) nurses and other nurses specializing in wound, ostomy, and continence care.

Founded in 1968, the WOCN is the only national organization for nurses who specialize in the prevention of pressure ulcers and the management and rehabilitation of persons with ostomies, wounds, and incontinence. WOCN is a professional nursing society which supports its members by promoting educational, clinical and research opportunities, to advance the practice and guide the delivery of expert health care to individuals with wounds, ostomies and incontinence.

In this age of changing health care services and skyrocketing costs, the WOCN nurse plays an integral role in providing cost-effective care to patients. This year's Seattle conference will provide a unique opportunity for WOCN participants to learn about the most current issues and trends related to their practice. I wish WOCN every success in their conference.

HONORING THE SOUTH SIDE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the South Side Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These fireman must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

INTRODUCTION OF H.R.—, TO EXTEND COMMUNITY NURSING CENTER DEMONSTRATIONS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. RAMSTAD. Mr. Speaker, as a strong supporter of home- and community-based services for the elderly and individuals with disabilities, I rise to introduce legislation to extend the demonstration authority under the Medicare Program for community nursing organizations [CNO].

In 1987, Congress authorized the CNO demonstrations to test the efficacy of capitated nursing delivery organizations at providing quality services outside the nursing home setting, without requiring beneficiaries to join HMO's. CNO programs serve Medicare beneficiaries in home and community-based settings under contracts that provide a fixed, monthly capitation payment for each beneficiary who elects to enroll.

The benefits include not only Medicare-covered home care and medical equipment and supplies, but other services not presently covered by traditional Medicare, including patient education, case management and health assessments. CNO's are able to offer extra benefits without increasing Medicare costs because of their emphasis on primary and preventative care and their coordinated management of the patient's care.

At the end of this year, current authority will expire for these effective and growing programs, which currently serve approximately 6,000 Medicare patients in four States.

Mr. Speaker, we need to act now to extend this demonstration authority for another 3 years. This experiment provides an important example of how coordinated care can provide additional benefits without increasing Medicare costs. For Medicare enrollees, extra benefits include expanded coverage for physical and occupational therapy, health education, routine assessments, and case management services—all for an average monthly capitation rate of about $21. In my home State of Minnesota, the Health Seniors Project is a CNO serving over 1,500 patients in four sites, two of which are urban and two rural.

These demonstrations should also be extended in order to ensure a full and fair test of the CNO managed care concept. These demonstrations are consistent with our efforts to introduce a wider range of managed care options for Medicare beneficiaries. I believe we need more time to evaluate the impact of CNO's on patient outcomes and to assess their capacity for operating under fixed budgets.

Mr. Speaker, it is important to recognize that the extension of this demonstration will not increase Medicare expenditures for care. CNO's actually save Medicare dollars by providing better and more accessible care in home and community settings, allowing beneficiaries to avoid unnecessary hospitalizations and nursing home admissions. By demonstrating what a primary care oriented nursing practice can accomplish with patients who are elderly or disabled, CNO's are helping show us how to increase benefits, save scarce dollars, and improve the quality of life for patients.

Mr. Speaker, I urge my colleagues to consider this bill carefully and join me in seeking to extend these cost-savings and patient-enhancing CNO demonstrations for another 3 years.

REMEMBERING THE GENOCIDE OF THE ARMENIANS

SPEECH OF

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. MOORHEAD. Mr. Speaker, first of all, let me thank the gentleman from New Jersey [Mr. PALLONE] for arranging this special order today. His support of the Armenian community has been, and continues to be tremendous.

Today we mark the 81st anniversary of the beginning of the Armenian genocide. On this date in 1915 hundreds of Armenian political and intellectual leaders were rounded up, exiled, and eventually murdered in remote places. In the ensuing 8 years, over 1.5 million men, women, and children were slaughtered in an attempted genocide of the Armenian people by the Government of the Ottoman Empire. This was a crime not just against the Armenian people. It was a crime against humanity. We must never forget this tragedy of unimaginable proportions.

I have friends who were present during that time. One friend of mine was turned over to a Turkish family by his own mother and father. He then had to endure watching the systematic murder of every single member of his family as well as the killing of many from his community. These kinds of unspeakable atrocities were commonplace in Armenia between 1915 and 1923.

A strong, resilient people, the Armenians survived these cruelties as they have survived persecution for centuries. Their descendants now include over 1 million Americans for whom marking this day is not only a way to remember those who perished, but a way to remind mankind that we must all come together in pursuit of a common goal: to see to it that slaughter of this size and scope has no chance of ever happening again.

Unfortunately, brutality against Armenians continues to this day. The current conflict with Azerbaijan in the Nagorno-Karabagh region has once again brought suffering to the Armenian people. It is my sincere hope that the U.S. Government will do whatever it can to aid in the reaching of peace. Karabagh Armenians currently under the rule of the Azerbaijiani Government must have their rights protected.

Today in America, Armenians flourish in the United States as prominent citizens and community leaders despite the pain they and their ancestors have endured. Many survivors of the genocide now live in my district. In fact, in my district, I have the greatest concentration of Armenians outside of Armenia. Armenians serve proudly and with great distinction as mayors, and members of local councils and school boards.

It is with great pride that I have had the chance to serve the Armenian citizenry of my district. On this, my last opportunity as a Member of Congress to observe this day, I wish to thank the Armenian community for its support.

CONFERENCE REPORT ON S. 735, ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mrs. MINK of Hawaii. Mr. Speaker, I rise to support S. 735, the antiterrorism bill. When H.R. 2703 the House counterpart bill passed the House on March 14, 1996, I voted against it largely because of the severe restrictions on the writ of habeas corpus for death row prisoners. I voted ''no'' to signal the Senate to strike this section from the bill. Unfortunately they did not.

Other unacceptable invasions of personal privacy in H.R. 2703 eliminated by amendment in the House were not restored by the Senate in conference.

In the current era of threats and acts of domestic terrorism I believe that the Government needs greater authority to act to prevent and apprehend terrorists before they act. However, we must be careful not to create a state where illegal surveillance, spying, wiretapping, and electronic eavesdropping become instruments of violations of rights of privacy of lawful citizens.

It is a fine line between law enforcement and a free society. But however fine, it must be distinguishable.

We must guard against foreign terrorists in particular. These individuals must not be allowed to pervade our open society with seeds

of hate and destruction. I support efforts to stop their entry and to enable expedited expulsions.

A free society cannot conduct witch hunts for suspected terrorists. Our country went through such a black period in the fifties when we unleashed the un-American label on thousands of loyal citizens because of suspected associations.

We must not now begin another period of impugning guilt because of life style, ethnic background, or political associations.

But we cannot fail to safeguard our own people from foreign enemies.

I disagree with the restrictions of habeas corpus and fully expect they will be expunged by courts as unconstitutional.

I vote for this conference report with this expectation.

Moreover, I regret that this legislation is being used as a vehicle to advance antiimmigrant attitudes. This bill increases the number of criminal activities that legal aliens can be deported for. Most of the additional offenses are not required to be linked to terrorism. Listed among these offenses are; prostitution, bribery, counterfeiting, forgery, vehicle theft, false immigration documents, obstruction of justice, perjury, bribery of witnesses, and failure to appear in court.

I am deeply concerned that these provisions expand authorization for deportation of aliens with any association with crimes of violence or terrorism.

I believe legal aliens should be granted the same due process opportunities as U.S. citizens.

We are all legitimately disturbed with terrorism and violence in our communities. However, it is wrong to place upon legal immigrants a higher penalty for crimes which in themselves are not related to terroristic actions. Deportation should be reserved for only the most heinous of crimes rending the person unfit to remain in the country.

These anti-immigrant provisions have been wrongly attached to this bill. I am voting for this conference report, with these serious reservations which I hope can be stripped from this legislation at a later time.

The only way out for now is to encourage aliens to become U.S. citizens and avoid this jeopardy.

AEGIS EXCELLENCE AWARD TO LONG BEACH NAVAL SHIPYARD

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. HORN. Mr. Speaker, the Long Beach Naval Shipyard has, throughout its history, demonstrated that it is one of the most effective, cost efficient yards, public or private, in the Nation. Despite this impressive record, the Navy recommended, as part of the 1995 base closure round, that the Long Beach Naval Shipyard be closed. That recommendation was ratified by the Base Closure and Realignment Commission and signed into law by President Clinton.

The closure of the Long Beach Naval Shipyard in September 1997 will be a tremendous loss to the Navy and to the Nation. Just how serious this loss will be was demonstrated again last month when the Long Beach Naval Shipyard was given the AEGIS Excellence Award by Rear Adm. G. A. Huchting, the Navy's AEGIS program manager, ''for its outstanding contributions to the completion of the Regular Overhaul [ROH] of the USS *Antietam* (CG 54).''

In his message to Cpt. John Pickering, commanding officer of the Long Beach Naval Shipyard, Admiral Huchting said, ''Long Beach Naval Shipyard's excellent support to both the crew of *Antietam* and the AEGIS Program Office was instrumental in ensuring the success of this complex and technically demanding availability.

''The execution of *Antietam's* overhaul was challenged by several unexpected difficulties, such as consistently poor weather conditions, which significantly delayed progress on all outside work. Long Beach Naval Shipyard accepted each challenge with an aggressive attitude and extraordinary flexibility. Through superb teamwork and perseverance, shipyard personnel accomplished nearly 100,000 mandays of industrial work, enabling *Antietam* to complete its availability on time and under budget.

''Long Beach Naval Shipyard's professionalism and dedication to qualify were key factors in the redelivery of an upgraded *Antietam* to the Fleet. In recognition of this outstanding accomplishment, I am very pleased to present the AEGIS Excellence Award to Long Beach Naval Shipyard for an effort that truly exemplifies AEGIS team spirit and the pursuit of excellence. Congratulations on a job well done!''

Admiral Huchting's message confirms what those of us who fought to preserve the shipyard argued, that the Long Beach Naval Shipyard is a critical national security resource which, when closed, cannot be replaced. And it further reaffirms the quality, commitment, and dedication of the shipyard's work force. Though they are slated to lose their positions as the shipyard closes, the men and women who work at the Long Beach Naval Shipyard remain committed to doing the best possible job on behalf of their Nation. These dedicated men and women deserve our highest praise and deepest gratitude for the contribution they are making. The AEGIS Excellence Award is well deserved. I am proud to represent the employees of the Long Beach Naval Shipyard who earned it through their superb efforts and their commitment to excellence.

TRIBUTE TO JERRY TROLZ

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. ROEMER. Mr. Speaker, I rise today to pay tribute to an extraordinary citizen, businessman, and community leader in my district, Mr. Jerry Trolz of Goshen, IN, and to his hardworking employees.

Jerry is the owner of Goshen Stamping Co. I recently visited with him at his plant to observe an innovative ''Partners in Education'' Program which he has developed in conjunction with Goshen High School.

Under this program, Jerry puts talented high school students to work in his company as part of a structured academic/work curriculum. The students are given an opportunity to develop basic work skills and work habits and begin to learn a trade while they are still in school.

Before they can be admitted into the program, students must demonstrate a proficiency in basic reading, math, writing, communications, and economics. They must also demonstrate a commitment to the basic values of hard work, honesty, and integrity. Successful participants are guaranteed a job with Goshen Stamping after they graduate.

The partners in Education Program is filling an important niche in both the education and business communities in the Goshen area. It gives motivated students—particularly those who do not wish to attend college—a chance to learn a trade and secure a good paying job. At the same time, it provides companies such as Goshen Stamping with the steady influx of skilled workers they need to remain competitive in the increasingly global economy.

The program is working extremely well for both the students and the sponsoring businesses. Indeed, Goshen Stamping recently received the Emerson Tool Group's 1995 Distinguished Supplier Award, in recognition of its quality workmanship and skilled work force.

This is a reflection not only of Jerry's business skills, but also of the talented and dedicated employees at Goshen Stamping, and the commitment they have made to excellence in the work place.

While Jerry Trolz has been a leader in developing the Partners in Education Program, his contributions to the community do not stop here. Earlier this month, Jerry was named the 1996 winner of the Book of Golden Deeds Award by the Exchange Club of Goshen, in recognition of his lifetime of community service.

Jerry is a charter member and past president of the Kiwanis Club of Goshen; past chairman of the Solid Waste Advisory Committee of Elkhart County; past president of the Goshen Chamber of Commerce; and past president of the Goshen Industrial Club.

He is currently director of the Goshen Salvation Army and Goshen Hospital Health Systems Board; president of the Greater Goshen Association, a member of the advisory boards of First Source Bank, Goshen Partners in Education Committee, the Elkhard Career Center and Ivy Tech State College; and a long-time supporter of Lacasa, Habitat for Humanity, and Youth for Christ.

Mr. Speaker, it is all too common to hear people complain these days that our educational system is not doing a good enough job of motivating and teaching students, or that government is not doing enough to address the problems in our communities.

Jerry Trolz does not believe in complaining. He believes in solutions. In receiving the Book of Golden Deeds Award, Jerry was quoted as saying, ''Community service is the rent you pay for being here on earth.''

I am pleased to call attention to Jerry's lifetime of community service, and hope that his efforts will serve as an inspiration to all Americans to give a little more of their time and energy to make their communities and our country a better place to live.

IN MEMORY OF RONALD H. BROWN, SECRETARY OF COMMERCE

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. BECERRA. Mr. Speaker, I rise today to offer some thoughts on the tragic passing of Commerce Secretary Ron Brown. I would first like to convey my sincere condolences to his family: his wife Alma, and his children Tracey and Michael.

As I survey his life it is difficult not to be impressed by the richness and breadth of Ron Brown's accomplishments. It is the quintessential American story. He rose from modest beginnings in Harlem to the pinnacles of law, politics and government. Secretary Brown's life was an affirmation that in America a man of imagination, talent and determination could succeed.

His joy in serving as Secretary of Commerce was infectious. His dedication to helping young Americans aspire and succeed was genuine. And his commitment to serve his country was a constant throughout his life.

His smile, hopefulness and generosity will be missed.

HONORING THE SMYRNA VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Smyrna Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These fireman must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO WILLIAM G. HOUSTON

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. QUINN. Mr. Speaker, I rise today to recognize and honor the distinguished service of William G. Houston, an educator who has served the Lake Shore Central School District as Superintendent for over 30 years, on the occasion of his retirement.

Over those 30 years, William Houston dedicated his life to the enhancement of the Lake Shore District, and proved himself to be extraordinarily available to his faculty, staff, parents, and most importantly, students.

Considered the Dean of Superintendents in Western New York, William Houston's 30 year commitment to the same district far exceeds all others in Western New York, as well as most Superintendents throughout the entire State.

Throughout his tenure with Lake Shore Central, William Houston has established himself as an institution synonymous with academic commitment, rugged independence, insight and vision, hard work and dedication, and community involvement.

With retirement comes many opportunities, several personal, many professional. May he meet every opportunity with the same enthusiasm and vigor and which he demonstrated throughout his brilliant career; and may those opportunities be as fruitful as those in his past.

Mr. Speaker, today I join with the Houston family, his colleagues, friends, the Lake Shore School District, all of us who have served as educators, and indeed, the entire Western New York community, to honor Superintendent William Houston for his dedication, hard work, and commitment to our community and its education.

JIM GILLIS PAYS DIVIDENDS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. BARCIA. Mr. Speaker, managing other people's money demands a trustworthy, intelligent and sensible person. Not only is he or she responsible for shareholders' money, but for their well-being and livelihood. John Gillis is such an individual, who fulfills this responsibility with enthusiasm and dedication.

John Gillis, Vice Chair of the Board of Directors of the United Bay City Credit Union is retiring after serving 6 years as Vice Chair and 9 years as a member of the Board. He also served on the Asset/Liability Management, Building, and Personnel Committees. Prior to serving on the Board, John served for 7 years on the Credit Committee and served as its Chairman.

John spent tireless hours in these volunteer positions and performs his duties above and beyond the call of duty. His willingness to take on additional tasks and his 100 percent attendance record are extraordinary. John's keen awareness of his responsibility to keep the credit union strong matched well with his ability to speak with conviction rather than convenience.

The United Bay City Credit Union has over 16,000 members. The Board is charged with the tremendous responsibility and challenge of overseeing all activities of the credit union, including how to invest assets and watching out for shareholders' interests. John is a truly dedicated board member who always puts the credit union members first. His leadership and commitment will be sorely missed.

A lifelong resident of Bay City, John graduated from Handy High School. He started working for General Motors Powertrain when it was Bay City Chevrolet and is a valuable employee. An avid golfer, John will now have a little more time to practice his swing.

John could not have achieved these accomplishments without the support of his loving family including his wife, Kay, and their three children, Kevin, Matthew, and Amy.

John Gillis represents the spirit of volunteerism and community service which makes our country one of the greatest Nations in the world. I urge my colleagues to join me in recognizing John Gillis and wishing him well in his future endeavors.

THE PRESIDENT'S LEGACY OF DEBT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. PACKARD. Mr. Speaker, under President Clinton's spending policies, the national debt will increase by more than $1.1 trillion—rising from $4.1 trillion in January 1993 to $5.2 trillion in December 1996. By failing to balance the budget in 5 years as he promised, this legacy of debt means higher mortgage, car and student loan payments for working families.

My Republican colleagues and I have put the brakes on out-of-control Federal spending. We have cut Government beyond targets set by the budget resolution—this means a savings of $23 billion to the hard working American taxpayer. We have terminated hundreds of wasteful government programs and provided offsets to pay for disaster assistance. Since January, 1995, when Republicans gained control of Congress, my colleagues and I have saved taxpayers $43 billion.

These numbers are proof that we are doing what we promised the American people—we are committed to balancing the budget in 7 years. While the President fights to maintain the status quo and bloated bureaucracies, my colleagues and I are fighting to relieve the American taxpayer.

My Republican colleagues and I support policies that help America's hard working families earn more and keep more of what they earn. This ensures they will have more time to do more for themselves, their children, their church, and their community.

IN HONOR OF CERRITOS COMMUNITY COLLEGE ON ITS 40TH ANNIVERSARY CELEBRATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. TORRES. Mr. Speaker, I ask my colleagues to join me today in honoring Cerritos

Community College on its 40th anniversary celebration. On Saturday, April 27, 1996, members of the community, Cerritos College staff, and city officials will join in celebrating 40 years of providing exemplary educational opportunities to area residents.

Cerritos Community College was established on June 10, 1995, when residents of Norwalk, Carmenita, Bloomfield, and other elementary districts voted to form a junior college district. The proposed college site was acquired on December 5, 1956, and soon after, construction began. By the end of 1959, eight buildings had been completed on campus, and funds were made available to provide the remaining facilities to accommodate a student body of 3,500 students. By 1961, the campus was beginning to look like a college, with the completion of four more buildings. In 1964, the campus included 95 acres, and 15 permanent buildings. By 1965, the enrollment of 10,000 students exceeded the expectations of all associated with the college.

By 1966, the college had grown to 135 acres, and soon after, enrollment exceeded 11,000 students. The administration and board of trustees turned to building the excellence of the academic program, which already had a strong foundation. Innovation in satellite courses, televised instruction, open entry classes, and the move into audio-visual instruction marked the coming decade. By 1972, enrollment reached an astonishing 17,000 students.

By its 25th anniversary, Cerritos College had educated nearly 250,000 students since it first opened its doors. Course offerings had expanded, a satellite campus had been implemented, and faculty and staff had grown to meet the community's needs. The college today has a automated on-line system, a modern teleconference center, and a learning assistance lab.

Today, Cerritos College serves area communities with a combined population of more than 450,000, and has an assessment value exceeding one billion dollars. Thousands of Cerritos College graduates have gone on the become distinguished members of the community.

Mr. Speaker, it is with pride that I ask my colleagues to join me in honoring Cerritos Community College staff, administrators, President Fred Gaskin, and the board of trustees for being a part of Cerritos Community College's 40 years of valuable service to and education of our community.

DRUG AND SUBSTANCE ABUSE

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. MICA. Mr. Speaker, I rise today to introduce a bill that would require television broadcast stations to dedicate at least 5 percent of their advertising time to public service announcements on drug and substance abuse.

Drug abuse and illegal narcotics trafficking are skyrocketing. Cocaine, heroin, marijuana and designer drug use have dramatically increased in the last 3 years particularly among our young people. Many education and expensive drug treatment programs have failed.

My colleagues, it is critical that we fight illegal narcotics on four fronts: interdiction; enforcement; education; and treatment. It is critical that we reduce demand and find better, more effective means of increasing drug education.

During the past few years one of the key participants in the drug education war, television, has shirked its responsibility. Television broadcasting in the United States, a publicly granted franchise, has backslided in its public responsibility and public obligation. Since 1991, support for antidrug messages in the media has decreased from one message per day to almost zero.

Mr. Speaker, nothing in our society influences children and adults more than television. Television in many instances has a greater influence than home, church and school. Television has a public service responsibility to assist America in a national crisis—and we have a national crisis with drug and substance abuse.

We all know how television changes perceptions and attitudes in our society. Devoting a small fraction of airtime and public airwaves to fighting the drug war and ridding our children and Nation of this scourge is long overdue.

Mr. Speaker, I urge my colleagues to join me in reversing the disturbing trend toward drug use. Help our children and all Americans by cosponsoring this important bill.

RESERVE OFFICER TRAINING CORPS SCHOLARSHIP PROGRAM

HON. ENI F. H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday April 25, 1996

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation which will afford U.S. nationals the opportunity to participate in reserve office training corps scholarship programs.

Under current law, American Samoans born in American Samoa are considered U.S. nationals. These are persons who owe their allegiance to the United States, but are not U.S. citizens. Persons born in American Samoa are the only persons in the world who are given this status, as persons born on all other U.S. soil may become U.S. citizens by right of birth.

Also under current law, only U.S. citizens are authorized to enlist in the Reserve Officer Training Corps, or ROTC for short, scholarship programs, and only U.S. citizens are eligible to become military and naval officers.

The legislation I am introducing today would require U.S. national residents residing in a State of the United States and desiring to apply for a ROTC scholarship program, to file an application to become a naturalized citizen within 60 days of being accepted into the program. The legislation would also require U.S. nationals who are not residents of a State of the United States, to become a resident of a State, and to file an application to become a naturalized citizen within 60 days of becoming a resident as defined in our immigration laws.

Mr. Speaker, I believe this legislation strikes a fair balance between two competing interests. On the one hand, it gives the resident of American Samoa the same opportunities to become military and naval officers as the residents of the States and the other territories. On the other hand, while keeping the requirement that all military and naval officers be U.S. citizens, it requires U.S. nationals to prove their willingness to serve our country in a timely manner, thereby ensuring that taxpayer dollars are not spent on someone who will later prove ineligible for service.

Mr. Speaker, I am submitting a copy of the legislation with my statement.

H.R.—

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

SECTION 1. ELIGIBILITY OF UNITED STATES NATIONALS FOR ADVANCED TRAINING IN THE SENIOR RESERVE OFFICERS' TRAINING CORPS.

Section 2104(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''or national'' after ''citizen'';

(2) at the end of paragraph (6), by striking ''and'';

(3) in paragraph (7), by striking the period and inserting''; and''; and

(4) by adding at the end the following:

''(8) if he is a national but not a citizen of the United States, agree in writing that he will—

''(A) if he is not a resident of a State (within the meaning of chapter 2 of title III of the Immigration and Nationality Act; 8 U.S.C. 1421–1459), become a resident of a State (within such meaning) before commencing the program for advanced training; and

''(B) file an application for naturalization within 60 days after the later of—

'(i) the date that he meets the requirements for naturalization in section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1436); or

''(ii) the date that he is accepted into the program for advanced training.''.

SEC. 2. ELIGIBILITY OF UNITED STATES NATIONALS FOR FINANCIAL ASSISTANCE AS MEMBERS OF THE SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) GENERAL FINANCIAL ASSISTANCE PROGRAM.—Section 2107(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''or national'' after ''citizen'';

(2) at the end of paragraph (4), by striking ''and'';

(3) in paragraph (5), by striking the period and inserting ''and''; and

(4) by adding at the end the following:

''(6) if he is a national but not a citizen of the United States, agree in writing that he will—

''(A) if he is not a resident of a State (within the meaning of chapter 2 of title III of the Immigration and Nationality Act; 8 U.S.C. 1421–1459) become a resident of a State (within in such meaning) before commencing the financial assistance program; and

''(B) file an application for naturalization within 60 days after the later of—

''(i) the date that he meets the requirements for naturalization in section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1436); or

''(ii) the date that he is accepted into the financial assistance program.''.

(b) ARMY RESERVE AND ARMY NATIONAL GUARD FINANCIAL ASSISTANCE PROGRAM.—Section 2107a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''or national'' after ''citizen'';

(2) at the end of paragraph (5), by striking ''and'';

(3) in paragraph (6), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(7) if he is a national but not a citizen of the United States, agree in writing that he will—

''(A) if he is not a resident of a State (within the meaning of chapter 2 of title III of the

Immigration and Nationality Act; 8 U.S.C. 1421–1459, become a resident of a State (within such meaning) before commencing the financial assistance program; and

''(B) file an application for naturalization within 60 days after the later of—

''(i) the date that he meets the requirements for naturalization in section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1436) or

''(ii) the date that he is accepted into the financial assistance program.''.

SEC. 3. CONFORMING AMENDMENT

Section 12102(b)(1) of title 10, United States Code, is amended—

(1) by striking ''or'' the first place such term appears;

(2) by inserting a comma after ''United States'' the first place such term appears; and

(3) by inserting '', or is a national of the the United States eligible (as provided in sections 2104 (b), 2207(b), or 2107a(b) of this title) for advanced training in, or financial asssistance as a member of, the Senior Reserve Officers' Training Corps'' after the close parenthessis

HONORING THE SYKES VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Sykes Volunteer Fire Department. These brave, civic minded people giving freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

THE TENTH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. DURBIN. Mr. Speaker, I rise to recognize the 10th anniversary of the Chernobyl nuclear disaster, and to urge support for closing the Chernobyl nuclear powerplant.

It was 10 years ago, April 26, 1986 that reactor No. 4 at the Chernobyl nuclear powerplant exploded. And the effects of that explosion are still with us today. Millions of people, including more than a million children, were exposed to the high levels of radiation that escaped from the Chernobyl nuclear powerplant. Many have suffered the consequences of that exposure, which has led to thyroid cancer, birth defects, diseases of the immune system and more.

The world has responded to the suffering of the people affected by the Chernobyl disaster. The Ukrainian-American community, the Belarusian-American community, the Moldovan-American community, the Russian-American community and other Eastern and Central European-American communities have led the way, sending millions of dollars and teams of doctors and nurses to help the relief efforts. But even 10 years after this disaster, the effects of Chernobyl are still with us. There is much work left to do.

I have introduced, with other Members of Congress, a resolution to help ensure that the world and the people most directly affected by Chernobyl will one day be able to put this tragedy behind them. The resolution urges the Government of Ukraine to continue its efforts to close all the nuclear reactors at Chernobyl in a safe and expeditious manner. It calls upon the President of the United States to continue to support the process of closing the Chernobyl nuclear powerplant. It calls upon the President to continue and enhance humanitarian, medical, social impact planning, and hospital development assistance for Ukraine, Belarus, Russia, and other nations most directly affected by the Chernobyl disaster. It calls upon the President to encourage national and international health organizations to expand the scope of research into the public health effects of Chernobyl. And it recognizes April 26, 1996, as the 10th anniversary of the Chernobyl disaster.

The people of the United States have a deep interest in freedom and democracy in Eastern and Central Europe, which will contribute to peace and prosperity around the world. Our efforts to assist the nations affected by the Chernobyl disaster will benefit all nations, including our own. I urge my colleagues to support this resolution.

TRIBUTE TO JOE GROSCOST ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and recognize an outstanding citizen from Sandusky, OH. Mr. Joe Groscost will be retiring from his distinguished career of teaching and coaching at the conclusion of the 1995–96 school team.

Joe started his coaching career as an assistant swim coach at Perkins High School in 1966. He became the head coach in the fall of 1967. Joe started one of the first girls' high school swim programs no northwest Ohio in 1978. His record as a head coach is outstanding. He holds the Ohio State High School record for the number of victories as a head coach at one high school with 455 wins and 136 losses. His teams have garnered more than 135 titles. He was selected Boys Northwest District Coach of the Year five times plus Girls District Coach of the Year two times.

Mr. Groscost founded the Vacationland Swim Club in 1970 to promote swimming and fitness in his community. The club has been in continuous existence since that time and is an asset to Sandusky community. Mr. Groscost also started a learn-to-swim program that has been instrumental in teaching young children how to swim and water safety.

Mr. Speaker, Mr. ''G'' as he is affectionately known, has been a positive influence on the lives of the many young men and women who have come in contact with him. He has been instrumental in guiding many teens and has provided constructive assistance to people that have come into contact with Joe even after their high school days were over.

I ask my colleagues to join me today in honoring the successful accomplishments of Joe Groscost and to wonderful example he has set for others.

ERMA BOMBECK: AN AMERICAN MODEL

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. PASTOR. Mr. Speaker, I rise today in memory of Erma Bombeck, who passed away on April 23, 1996. Erma Bombeck, columnist, suburban housewife, and life philosopher shared her humor with America for 25 years. Ms. Bombeck celebrated the day to day chaos and hysteria of suburban life in her syndicated column ''At Wits End.''

Ms. Bombeck lives on in best selling books such as: ''The Grass Is Always Greener Over the Septic Tank,'' and ''If Life Is a Bowl of Cherries, What Am I Doing in the Pits?'' A true humanist, in 1989 Ms. Bombeck wrote a touching tribute to children surviving cancer titled, ''I Want To Grow Hair, I Want To Grow Up, I Want To Go To Boise.'' She then benevolently went on to donate her $1.5 million advance fee to cancer research, 3 years before she was diagnosed with the dreadful disease. After a bout with breast cancer, she was stricken with a fatal kidney disease. Although she received a kidney transplant in early April, she was unable to recover.

As a resident of Arizona, we are proud that such a talented woman made her home in our beautiful State. Erma Bombeck will be remembered for bringing everyday life to a comedic artform. The columns, which are her legacy, will be proudly displayed for years to come in a place of honor all across America, the family refrigerator.

IN HONOR OF DR. WILLIAM ''BILL'' SENN

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. BAKER of Louisiana. Mr. Speaker, today I would like to pay tribute to Dr. W.L.

''Bill'' Senn, one of Baton Rouge's most- respected businessmen and community leaders, on the occasion of his retirement after 38 years of service with Exxon Chemical Americas.

Bill received bachelor's, master's, and doctoral degrees in chemistry from Louisiana State University and served in the U.S. Air Force. His Exxon career began in 1957 as a chemist in the Exxon Research Laboratories in Baton Rouge. He served in various supervisory assignments including department and division head posts until 1976.

Dr. Senn served as manager of the company's engineering department for 2 years and then was named manager of Exxon's Baytown, TX chemical plant. In August 1981, he returned home to Baton Rouge as manager of the Baton Rouge Chemical Plant which he has headed since.

Mr. Speaker, I've known Bill Senn since 1986 and have always sought and valued his counsel. Whenever I return home and whatever I do, Bill is always there supporting local communities with his time and talents.

Since he and his wife, the former Patricia Harrison of Baton Rouge, will continue to make their home in Baton Rouge, I expect Bill will be just as active in the community after retirement as he is now.

Highlights of his involvement in industry, governmental affairs, and community organizations include serving in the past as chairman of the board of directors of the Louisiana Chemical Association [LCA], chairman of the board of directors of the Louisiana Public Affairs Research Council, and chairman of the Baton Rouge United Way general campaign. He has been chairman of the board of directors of the Louisiana Chemical Industry Alliance since its inception and also currently serves on the LCA board.

Mr. Speaker, Dr. Bill Senn has served his company and community with distinction and integrity. I value the counsel he has shared with me over the years and wish him the best as he moves on to new challenges and opportunities.

PERSONAL EXPLANATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I was unavoidably delayed from voting on two bills under suspension on Tuesday, April 23, since the Pennsylvania primary election required my voting in the 21st district of Pennsylvania that same morning. Had I been present, I would have voted ''yes'' on H.R. 2024, and ''yes'' on H.R. 1965.

THE DRIVE AWAY FROM ETHANOL WELFARE ACT OF 1996

HON. RANDY TATE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. TATE. Mr. Speaker, today I am introducing a bill to eliminate the ethanol tax subsidy.

In the November 1994 elections, the American people voted for a Congress that would balance the budget, scrutinize every cent that Federal Government spends and examine every Federal program, including corporate welfare. For far too long American taxpayers have subsidized one of the most egregious examples of corporate welfare—the ethanol industry.

Some people have asked me why should I care about the ethanol tax subsidy. Let me tell you why.

In November 1995, Congressman BILL ARCHER of Texas, chairman of the House Ways and Means Committee, moved the Balanced Budget Act, through his committee. That bill included a provision to eliminate the ethanol tax subsidy. However, before the full House could even consider that historic legislation that provision was stripped out. A vote was not even allowed.

My constituents were outraged. My congressional offices were besieged by upset phone callers. At first, I wasn't exactly sure why they felt so betrayed. Frankly, I didn't know much about the ethanol industry.

I discovered that between the years of 1983 and 1994, the State of Washington lost $164 million in Federal highway money which means that Washington State motorists spent an additional $97.71 per driver on car maintenance and repairs in 1993.

In my State, the Puget Sound Air Pollution Control Agency recently called for the lifting of the winter-time oxygenated fuel program. Their reasoning was that Puget Sound drivers were paying as much as $25 million a year in reduced gas mileage, clogged fuel filters and fuel injection systems and slightly higher increases at the pump. The Air Control Agency went on to find that the exhaust from cars is much cleaner and any environmental benefit from ethanol is negligible.

While working people and their families in my State paid Federal gas taxes, the safety of their everyday driving was being compromised because there was not enough money to repair roads and bridges. And, Federal highway money was being used to subsidize ethanol production which, in turn, was artificially inflating the price of beef, milk, and pop that families were paying at the corner store in my State.

What I learned was that Americans are paying Federal gas taxes designated for highway construction and bridge repair and those same hard-earned dollars are paving the ethanol industry's road to the bank with gold.

Today, I am introducing the Drive Away From Ethanol Welfare Act of 1996. It has 53 original cosponsors and enjoys the support of Chairman BUD SHUSTER, Chairman BOB LIVINGSTON, and Chairman BILL CLINGER. It is a very bipartisan bill because the ranking member of the House Ways and Means Committee, SAM GIBBONS, was my first original cosponsor.

The Drive Away From Ethanol Welfare Act ensures the elimination of this ridiculous tax break in the year 2000. It reduces the tax subsidy immediately by 3 cents. In the interim, no ethanol producer will have an investment stranded.

The Drive Away From Ethanol Welfare Act eliminates the cashflow provision that has made the industry profitable for two decades. Ether will no longer be eligible, immediately.

Mr. Speaker, I urge my colleagues to support this legislation and to take a stand against an egregious case of corporate welfare.

CONGRATULATING THE SIOUX FALLS SKYFORCE FOR WINNING THE 1996 CBA CHAMPIONSHIP

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today to offer my congratulations to the Sioux Falls Skyforce for winning the Continental Basketball Association championship. By defeating the Fort Wayne Fury 4 games to 1, the victorious Skyforce returned home to Sioux Falls with the franchise's first championship in its 7 year history. Led by most valuable player Henry James, the Skyforce battled their way through the playoffs, gathering momentum with each closely contested game, and capping their season of a lifetime with Devin Gray's buzzer beater to give the Skyforce their cherished championship.

I would like to congratulate coach Mo McHone, the Skyforce organization, and the players for their commitment to excellence during this championship season. I would also like to thank the people of Sioux Falls and the surrounding communities for their loyalty and support for the Sioux Falls Skyforce throughout the existence of the franchise. Skyforce players could always count on the fans to fill the arena, cheering them on through the last-second victories and the heartbreaking losses.

On behalf of all South Dakotans, I extend to the Sioux Falls Skyforce my congratulations on winning the 1996 Continental Basketball Association Championship.

HONORING THE WOODBURY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Woodbury Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These fireman must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these

volunteer fire departments a debt of gratitude for their service and sacrifice.

BALANCED BUDGET DOWN PAYMENT ACT, II

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes:

Mr. SMITH of New Jersey. Mr. Chairman, the bill we are voting on today represents a sensible, humane path to a balanced budget. This bill preserves vital Federal programs, but also cuts unnecessary Federal spending.

The purpose of balancing the budget is not to make accountants sleep easier at night. Holding the line on spending is about getting our priorities straightened out. And it also keeps our commitment to create jobs and increase opportunities. The whole point of cutting the budget deficit is about creating economic opportunity and a better future. It's about lowering interest rates, spurring investment, and securing and creating more, better paying jobs.

This bill protects the Federal role and pledge to those who truly need help, and makes sure that their needs will not be ignored. It keeps our commitment to our veterans, $400 million in additional funds for health care; to children in Heathy Start, $93 million; and education programs for the disadvantaged, $7.2 billion; it boosts funding to $738 million for the Ryan White CARE Act to help people suffering from AIDS; and includes $1.34 billion for job and vocational training programs. It also keeps our commitment to seniors, especially older workers in Older Americans Act jobs programs, $373 million.

Equally important, this bill pares back spending by $23 billion. It eliminates some 200 separate programs, many of them wasteful or duplicative. In the era of a $5 trillion dollar debt, we simply cannot afford to spend $18.4 million on the Office of Technology Assessment, $12.5 million for cattle tick eradication programs, and $850,000 for historical society calendars for Members of Congress.

This bill has shown that even in the absence of a comprehensive agreement over how best to reform Medicare and Medicaid, we can still make progress on the budget.

What is not highlighted in the media is that fact that below the surface of these highly visible budget battles, Congress has been able to cut these duplicative and unnecessary Government programs and regulations through the annual appropriations process. Our progress since 1994 has been to cut $43 billion from the deficit.

The Congressional Budget Office's latest fiscal year 1996 deficit estimates are lower than expected—down to $144 billion, from a level almost $200 billion in 1994. And that decline is in large measure the result of Republican votes to put our Government on a diet.

Through careful and judicious cuts, we have changed the entire debate in Washington. When President Clinton submitted his 1993 budget, taxes were *raised* retroactively. The question now is not if we should balance the budget, but how and when.

Of course, the devil is the details. Raising taxes may be a favorite of the President's, but I am committed to holding the line on spending and taxes, setting firm priorities in spending, and keeping the commitments we made to our constituents.

I think it is worth noting here that H.R. 3019 leaves H.R. 2099—the VA/HUD appropriations bill which Mr. Clinton vetoed on December 8, 1995—virtually unchanged.

Keep in mind that this is the same congressional budget which the VA Secretary called ''mean spirited''. Now we find that this so-called mean spirited budget—which includes a nearly $400,000,000 increase in VA health spending over fiscal year 1995 levels—was really perfectly acceptable to the President all along. After 7 months of leaving the VA without an appropriation, we find that the President had no major problem with what Congress originally passed.

I think, however, that in the end, all sides of the budget debate can hopefully draw some useful lessons from the bill. Here we have a bill that lowers the deficit and puts us ahead of schedule on discretionary spending. And it was done without the Government shutting down, but by rolling up our sleeves and making the tough choices.

THE WISDOM OF ABE MARTIN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. JACOBS. Mr. Speaker, Abe Martin, the mythical philospher created by the early 20th century Indianapolis News writer, Kin Hubbard, said this:

When Lem Moon was acquitted of the murder of his wife, he was asked by Judge Pusey if he had anything to say. And he said, ''I never would have shot her if I'd realized they wuz going to put me through so much red tape.''

Abe's wisdom endures.

TRIBUTE TO MR. HARRY A. FOSTER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. CAMP. Mr. Speaker, it is with sadness that I rise today to honor and pay tribute to a man who devoted much of his life helping and improving the lives of others through his devotion to Michigan's agricultural heritage. Harry A. Foster passed away recently in his home in Okemos, MI on March 11, 1996.

Harry was born and raised on his family's farm in southwestern Michigan where he excelled in 4–H and Future Farmers of America [FFA] projects. At a young age, he earned his American Farmer Degree while active in the FFA and served as State President of the Michigan Farm Bureau of Young People. He was also an alumnus of Michigan State University's Agricultural Technology Program and earned a B.S. degree in Agricultural Economics.

After graduation, Harry served as a 4–H extension agent in Livingston County. In 1961, he became the initial employee of the Michigan Agricultural Cooperative Marketing Association [MACMA] where he provided 27 years of outstanding service. After serving MACMA, he became Executive Director of the Michigan Asparagus and Michigan Plum Advisory Boards where his contributions were numerous. Mr. Foster's long and distinguished professional career is a testament to his dedication and to his genuine concern for agriculture and farmers in Michigan and around the country.

Harry's community involvement extended beyond his professional career. He was an active member of the Okemos Community Church and served as president of the Okemos Board of Education. Due to his outstanding advocacy and his enduring compassion, he courageously envisioned and founded the Dyslexia Resource Center.

Harry took great pride in the relationships he developed in the Nation's Capitol on behalf of the producers and their marketing interests he represented so fervently. Many of the actions of this genuine farmer's friend have benefitted producers and their attendant industries across the United States.

Mr. Speaker, I know you will join me in celebrating the many accomplishments and achievements of Harry Foster and in honoring his memory.

TRIBUTE TO MRS. JANIE A. GREENE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. TOWNS. Mr. Speaker, celebrating 101 years of a thriving lifetime is a monumental achievement. I am pleased to recognize Mrs. Janie A. Greene, a resident of Brooklyn since 1933. Mrs. Greene was born on April 29, 1895, and she has experienced a bountiful life.

Janie was born in Georgetown, SC, to her proud parents Prince and Clara Browne. In 1915 she married Walley Greene. They remained married until he died in 1931. Four children were born out of that marriage, Thelma Greene McQueen, Clifton Greene, Oreda Greene Dabney, and Myrtle Greene Whitmore, whom she presently resides with. A devoted family member, Mrs. Greene has 11 grandchildren, and a host of great-grandchildren, and great-great-grandchildren.

The church is a central part of Mrs. Greene's life. She has been a member of People's Institutional A.M.E. for over 55 years. Mrs. Greene is presently a charter member of the South Carolina Club and also a member of the Virginia Smith Missionary Society. Among her varied interests are: gardening, reading, shopping, and preparing daily brunch for herself and her family.

It is indeed rare for a person to live to be 101 years old, but it is even rarer to experience such a rich life in that length of time. I am proud to claim her as a resident in my home borough of Brooklyn.

THE CHERNOBYL DISASTER

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Ms. SLAUGHTER. Mr. Speaker, this weekend Ukrainian-Americans across the country will commemorate the ten year anniversary of the disaster at the Chernobyl nuclear power plant.

It is hard to believe that 10 years have passed since the devastating news of the explosion at the Chernobyl Nuclear Power Plant in Ukraine. While the official death count remains at 33, we all know that the number of lives affected by this tragedy reaches well into the thousands. Besides those who have died because of the exposure, others have lost their health, their economic well-being, their environment, and their spiritual outlook on life.

We have been, however, successful in providing some of the most needed assistance to those who have suffered. The work of so many dedicated relief organizations has paved the way for aid, medical care, and government programs which have provided invaluable care for the victims of the Chernobyl calamity. Unfortunately, it is not likely we have experienced the full consequences of the disaster. Nor have we provided all the resources needed to help those living through this nightmare. As we remember this event this weekend, we must renew our pledge to continue our help in the future.

I am proud to represent a large and energetic Ukrainian community—an active and spirited community which has dedicated itself to helping the people of Ukraine. As we all work together to support Ukraine's flowering democracy and strong economic growth, we continue to hold a special place in our hearts for those affected by the Chernobyl disaster. We will remember Chernobyl.

REMEMBERING THE GENOCIDE OF THE ARMENIANS

SPEECH OF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. LAFALCE. Mr. Speaker, today is the day we have set aside to commemorate a painful time in world history—the 81st anniversary of the deaths of more than 1½ million Armenians. While the magnitude of the loss and the depth of the sorrow do not dim with time for the descendants of those who died, I join my colleagues in this observance today in the hope that a day of remembrance can bring a measure of healing.

This is what good and caring people do the world over when a tragedy occurs—grieve, console, reminisce. The first anniversary of the Oklahoma City bombing was recently the occasion of such a day of thought and remembrance. The shocking jolt that the bombing last year wreaked on the security that Americans have long enjoyed in this country will never be forgotten and will join the all-too-long list of events that, through their sheer awfulness, forever alter a country or a people. Indeed, we are even now watching with empathy the victims of the war in Bosnia, who, even as they struggle to get their footing as they emerge from their national nightmare, learn of atrocities such as mass graves and, as incredible as it may be that this could be happening again, watch as individuals—so-called leaders—are being turned over to the appropriate authorities for serious war crimes.

As much as this day of remembrance brings home the moral frailty and potential for cruelty, however, it is, more important, also proof that the majority of us firmly denounce the hateful actions of a few. For us, there is no political jargon, ancestral enmity, or religious fervor that could ever justify the deeds perpetrated in Armenia that we commemorate today, the slaughter that we revisited last week in Oklahoma, or any similar actions anyplace, anytime.

As a member of the Congressional Caucus on Armenian Issues, I affirm my strong support for a strong and vibrant relationship between Armenia and the United States. I will work to do my part to ensure that the legacy of future generations of Armenians is not marked by persecution, but rather by personal and national security, democracy, freedom, and prosperity.

THE FEDERAL RAILROAD ADMINISTRATION PERFORMANCE AND PERSONNEL ENFORCEMENT ACT

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Ms. MOLINARI. Mr. Speaker, today I am introducing H.R.—, the Federal Railroad Administration Performance and Personnel Enforcement Act. The bill will provide for institutional reforms at the Federal Railroad Administration and other improvements to the rail safety statutes aimed at promoting a safer, more secure rail safety network. I would like to emphasize that the railroad system is essentially safe today, thanks to the substantial gains in safety that have been achieved since the late 1970s. In 1978, the train accident rate was nearly 15 accidents per million trainmiles, or 3.9 times what it was in 1995. Railroads are safe when compared to other modes of transportation as well. About 40,000 people are killed each year on the Nation's highways, compared to about 600 fatalities that are attributed to railroad operations.

Yet rail travel is becoming increasingly complex and we must ensure that our safety requirements keep up with today's operational realities. Traffic on the mainlines continues to grow and the increased use of freight, intercity passenger and commuter traffic on the same corridors poses new challenges for ensuring safety. Unfortunately, after the 2 best years in rail safety history, rail accidents appear to be on the rise. In January and February alone rail freight and passenger accidents resulted in 19 fatalities, 230 injuries, and $64 million in property damage.

As chairman of the Subcommittee on Railroads, I sponsored three hearings on the issue of rail safety during the month of March. These hearings focussed on the issues of human factors and grade crossing safety, equipment and technology in rail safety, and advanced train control technology. This last hearing was held jointly with the Technology Subcommittee of the Science Committee.

One thing is clear from these hearings: the Federal Railroad Administration needs to be reformed. In three significant areas where rulemakings are pending (power brake safety, two-way end of train devices and track safety standards), the Federal Railroad Administration has missed the statutory deadlines for completing the rulemakings by as much as 2 years. In the wake of the Burlington Northern Sante Fe accident at Cajon Pass, CA, the Federal Railroad Administrator issued an emergency order requiring use of the two-way end of train device for operations in the area. Sadly, the emergency order would not have been needed had the FRA met its statutory deadline for the rulemaking.

And in another area of concern, the Hours of Service Act, the FRA and rail labor and management have all been guilty of foot dragging in establishing pilot projects that were supposed to form the basis for changes to the act during the next authorization cycle. A report on the subject is due at the end of the year, and to date not a single pilot project has been implemented. This is unacceptable and I believe that my bill, through a combination of institutional reforms that will force FRA to be more accountable in carrying out congressional mandates, and improvements to the rail safety statutes will help ensure safety on the Nations' railroads.

HONORING THE WESTMORELAND VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Westmoreland Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''There fireman must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

EARTH DAY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GEJDENSON. Mr. Speaker, we have just celebrated Earth Day here in the United States and, I hope, rededicated ourselves to protecting our environment. But at the same time, there are others on this planet commemorating the anniversary of an environmental catastrophe.

I'm speaking of the tenth anniversary of the Chernobyl nuclear accident. On April 26, in Kiev as well as in many other cities around the globe, including many here in the United States, people will gather to discuss the aftermath of that accident. But more importantly, they will be looking to the future, and not only to seek assurances that there will be no more such disasters but to rededicate countries and citizens to environmental protection.

I am particularly proud, Mr. Speaker, to note a most unique and important partnership which has developed around the anniversary. The Children of Chernobyl Relief Foundation [CCRF], a group based in Short Hills, NJ, and Hamden, CT and formed 5 years ago, has already turned about $2 million in donations into about $40 million in airlifted supplies to the people of Ukraine, most urgently needed pharmaceuticals.

CCRF has now received a large grant from the Monsanto Co. and together this charitable organization and this American firm are launching on this anniversary a major healthcare initiative for children and women in outlaying areas. It will enable CCRF and the Ukrainian doctors and hospitals with whom it works to extend vital care to people in farm communities. The initiative will have strong focus on prenatal care and education for pregnant women.

So, Mr. Speaker, what we have here is a great model for the other groups, other companies, other countries, not just a one-shot, one-day commemoration of an environmental disaster but a longer-term commitment by an American-based charitable group and an American corporation.

I might add that our State Department, especially Ambassador Richard Morningstar, the Coordinator of Assistance to the CIS, and our United States Ambassador in Ukraine, William Miller, have been most cooperative in assisting the development of this project.

Today in Kiev there was an airport event welcoming a United States Government airlift of more than $11 million of needed drugs and medical equipment. At that event, both Ambassador Morningstar and Ambassador Miller as well as high-level Urkrainian officials praised the Monsanto/CCRF project as a model for companies and charitable organizations everywhere and a sign that the Chernobyl commemoration is not just a 1 day event.

TRIBUTE TO U.S. SERVICE MEN AND WOMEN IN BOSNIA

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. SAXTON. Mr. Speaker, there is an old military saying which alerts us to expect the unexpected. This time-tested adage is as true today as we send young fighting men and women to Bosnia as it was two generations ago in World War II.

On April 27, 1996, the New Jersey Exercise Tiger Association and the VFW Post 3729 will commemorate the 52d anniversary of Exercise Tiger. Exercise Tiger was designed to be a dress rehearsal for the D-Day invasion of France. But as is so common in the ''fog of war,'' the best laid plans are always subject to the unexpected, the unanticipated, the unforseen.

And so it was on April 28, 1944 when an American amphibious assault force which was practicing for the D-Day invasion was suddenly attacked by German warships. The surprise attack resulted in the death of 946 men, the second highest death toll of that long and embittered war.

Today, over 20,000 U.S. service men and women are serving in Bosnia in an effort to again secure peace in Europe. These dedicated individuals, like those who have served so honorably before them, have the difficult task of fulfilling the commitments made by American foreign policy makers. And like those who served in uniform over 50 years ago, the unexpected can happen at any moment with devastating effect.

I wish to salute the fine men who served and died 52 years ago while conducting Exercise Tiger. There is a special kinship between those American heroes and the men and women who today are serving in Bosnia. I wish also to pay tribute to Walter Domanski of the New Jersey Exercise Tiger Association and Bill Cadmus, Senior Vice Commander of VFW Post 3729. These two fine individuals are ''keepers of the flame,'' ensuring that Americans will remember and reflect on the sacrifices that our military has made and continues to make on our behalf.

MERCURY ELECTRONICS: FIFTY YEARS AT THE FRONT LINES, DEFENDING AMERICA

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GOODLING. Mr. Speaker, I rise today to honor a company that has provided important contributions to our national defense and to the defense of freedom worldwide. That company is Mercury Electronics, celebrating its 50th anniversary this month.

For half a century, Mercury Electronics has provided essential components for our Armed Forces in the air, on land, and at sea. In this role, they have contributed mightily to America's defense, and the part that our Armed Forces have played in protecting the free world throughout the cold war. They continue this activity, helping the United States and her men and women serving under arms to secure the peace and safety necessary for the preservation of the American way of life.

Not only has this company been a vital part of America's defense, but it has also been an exemplar of what America is all about. For the entire 50 years of its existence, Mercury has remained in the city of York in my district, providing jobs and economic stability. By remaining in its original locality, it has provided a continuity for its workers that has allowed them to build families in the area, and to remain close to their loved ones. Mercury Electronics has been a prime example of what small business can do. Its dedicated employees have enriched the local community.

Mr. Speaker, I ask that the House of Representatives join me in recognizing Mercury Electronics on this occasion. Mercury has served America, not only in the role of manufacturing items for our armed forces, but also by showing what can be accomplished by hard-working people enjoying the freedoms their products have played a role in preserving. I congratulate Mercury Electronics on their 50th anniversary, and wish them many more.

GRANT PERMANENT MOST-FAVORED-NATION STATUS TO ROMANIA

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. DICKS. Mr. Speaker, last month, our colleague, PHIL CRANE, chairman of the Trade Subcommittee, introduced legislation to grant permanent most-favored-nation status to the country of Romania. It is a bill that is overdue and I commend my colleague and the cosponsors of the legislation for taking this step.

Of all the Eastern European nations journeying from a centrally planned economic system to that of a free market economy, Romania has had the longest road to travel. It suffered through 40 years of a Communist economic policy. Its 1989 revolution exposed the hollowness of that economic legacy, but it also exposed how deeply ingrained that way of thinking can become. Nevertheless, despite tremendous obstacles, Romania has not faltered in its attempt to join the Western economic community of nations.

Romania is making the hard choices. It is taming inflation. Between 1994 and 1995, the inflation rate was cut in half from 62 percent to 28 percent. After selling off numerous state enterprises, at the cost of increased unemployment, Romania's rate of unemployment has shrunk from over 11 percent in 1994 to less than 9 percent in 1995.

Romania's private sector has grown into a formidable economic force. Today, 45 percent of Romania's gross domestic product comes from the private sector. By the end of this year, estimates show that 70 percent of its GDP will be generated by thousands of entrepreneurs who finally have the opportunity to determine their own economic future.

Romania is traveling a road that we in this country have encouraged by provisionally granting them MFN status. As a result, trade between our two nations has increased as United States exports take advantage of these new market opportunities, I review of Romania's economic policies, when coupled with its

attempt at political democracy building, I believe that the prudent course of action for the United States is to make permanent a benefit we have granted Romania several times before. For these reasons, I urge my colleagues to support Chairman CRANE's bills.

TRIBUTE TO VICE ADM. MICHAEL KALLERES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. VISCLOSKY. Mr. Speaker, it is my great honor to pay tribute to Vice Adm. Michael Kalleres, who will be honored on April 28, 1996 by the Parish Council and the entire Cathedral Community of the Saints Constantine and Helen Greek Orthodox Cathedral. This distinguished citizen of Indiana's First Congressional District will address the congregation during the Liturgy and again during a formal luncheon to be held in his honor. This event will take place at Saints Constantine and Helen Greek Orthodox Cathedral in Merrillville, IN of which he and his wife, Georgia, have been longtime pioneer members.

Admiral Kalleres retired from active duty in September 1994 after 32 years of distinguished service as a naval officer. During this time, he led eight commands in combat and in peacetime, including two Financial Management Directorates. In addition, he led surface ships, squadrons, and two Joint Fleet Organizations.

Admiral Kalleres earned a bachelor of science degree in Industrial Management and Engineering from Purdue University and a master of science degree in Political and International Affairs from George Washington University. He is also a distinguished graduate of the U.S. Naval War College and the National War College.

Admiral Kalleres has received 18 military awards and decorations including the Defense Distinguished Service Medal, and the 1990 Son of Indiana Award for Military Service. Admiral Kalleres' dedication and involvement in the community has been recognized by several other organizations. In 1988, he was awarded the Saint Andrew's Medal for public service by the Greek Orthodox Church. Moreover, Admiral Kalleres received the 1993 Leadership Award from the American Hellenic Institute, and, in March of that same year, he was vested into the International Service Order of Saint Andrew as an Archon. He receive the AXIOs (Worthiness) Medal from the State of California, the 1992 State of Illinois Distinguished Citizen Award, and he was recognized as a Sagamore of the Wabash in 1994. Admiral Kalleres has also been cited in the Marquis Who's Who since 1990.

This past January, Admiral Kalleres was elected to the National Board of the Salvation Army, where he serves on the Disaster Relief and Communications Committee. Furthermore, he is a member of the Dean's Advisory Board at Purdue University, and he currently serves as a member of the Defense Science Board for Strategic Mobility.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in honoring this fine citizen for his dedication to the United States, as well as his community in northwest Indiana. Admiral Kalleres' loyalty and dedication to his country should serve as a model for the citizens of Indiana's First Congressional District and all Americans.

TRIBUTE TO MR. FRANCIS A. MAIER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in remembrance of a much respected family man who was a part of Dallas' business community and a part of Dallas' family, Mr. Francis A. (Frank) Maier. He was among the 35 people who died in a plane crash on April 3 while on a trade mission to war-torn Croatia with United States Commerce Secretary Ron Brown. Mr. Maier was 50 years old.

Mr. Maier was originally from the Bronx in New York City. He attended college at Manhattan College earning a bachelor's degree in business administration. After graduation, he began his career at Westinghouse in 1967. Mr. Maier had a 20-year-long career with Westinghouse Electric Corporation in Pittsburgh, and held several positions at Westinghouse, including director of project finance. A recruiting firm lured him to Dallas from Westinghouse in 1993.

As President of Enserch International, a subsidiary of Enserch Development Corporation, Mr. Maier dealt with trade issues for Enserch and represented his corporation and his country overseas. In the past several months, Mr. Maier had been to 10 Asian and European countries.

This is a sad time as we mourn the deaths of all of the people who died on that ill-fated flight, but we must not forget all of the contributions that these people gave to our country. Everyone in Dallas feels the loss of Mr. Maier's family and all of Dallas grieves with them.

HONORING THE WILSON EMERGENCY MANAGEMENT AGENCY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Wilson Emergency Management Agency Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. SKAGGS. Mr. Speaker, today I am introducing the Rocky Mountain National Park Wilderness Act of 1996.

This bill, essentially identical to one that I introduced in the 103d Congress, is intended to provide important protection, and management direction for some truly remarkable country, adding some 240,700 acres in the park to the National Wilderness Preservation Systems.

Covering 91 percent of the park, the new wilderness will include Longs Peaks and other major mountains, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams. Indeed, the proposed wilderness will include examples of all the natural ecosystems present in the park.

The features of these lands and waters that make Rocky Mountain a true gem in our National Parks System also make it an outstanding wilderness candidate.

The wilderness boundaries for these areas are carefully located to assure continued access for use of existing roadways, buildings, and developed areas, privately owned land, and water supply facilities and conveyances—including the Grand River Ditch, Long Draw Reservoir, and the portals of the Adams Tunnel. All of these are left out of wilderness.

The bill is based on National Park Service recommendations. Since these recommendations were originally made in 1974, the north and south boundaries of Rocky Mountain National Park have been adjusted, bringing into the park additional land that qualifies as wilderness. My bill will include those areas as well. Also, some changes in ownership and management of several areas, including the removal of three high mountain reservoirs make possible designation of some areas that the Park Service had found inherently suitable for wilderness.

In 1993, we in the Colorado delegation finally were able to successfully complete over a decade's effort to designate additional wilderness in our State's national forests. I anticipate that in the near future, the potentially more complex question of wilderness designations on Federal Bureau of Land Management lands will capture our attention.

Meanwhile, I think we should not further postpone resolution of the status of the lands

within Rocky Mountain National Park that have been recommended for wilderness designation. Also, because of the unique nature of its resources, its current restrictive management policies, and its water rights, Rocky Mountain National Park should be considered separately from those other Federal lands.

We all know that water rights was the primary point of contention in the congressional debate over designating national forest wilderness areas in Colorado. The question of water rights for Rocky Mountain National Park wilderness is entirely different, and is far simpler.

To begin with, it has long been recognized under the law of the United States and Colorado, including in a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive Federal reserved water rights arising from the creation of the national park itself.

Division One of the Colorado Water Court, which has jurisdiction over the portion of the park that is east of the continental divide, has already decided how extensive the water rights are in its portion of the park: the court has ruled that the park has reserved rights to all water within the park that was unappropriated at the time the park was created. As a result of this decision, in the eastern half of the park there literally is no more water for either the park or anybody else to get a right to.

This is not, so far as I have been able to find out, a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And, since the park sits astride the continental divide, there's no higher land around from which streams flow into the park, so there is no possibility of any upstream diversions.

On the western side of the park, the water court has not yet ruled on the extent of the park's existing water rights there. However, as a practical matter, the Colorado-Big Thompson project has extensive, senior water rights that give it a perpetual call on all the water flowing out of the park to the west and into the Colorado River and its tributaries. As a practical matter under Colorado water law, therefore, nobody can get new consumptive water rights to take water out of the streams within the western side of the park.

And it's important to emphasize that any wilderness water rights amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park. But it doesn't affect downstream water use. Once water leaves the park, it will continue to be available for diversion and use under Colorado law.

Against this backdrop, my bill deals with wilderness water rights in the following way.

First, it explicitly creates a Federal reserved water right to the amount of water necessary to fulfill the purposes of the wilderness designation. This is the basic statement of the reserved water rights doctrine, and is the language that Congress has used in designating the Olympic National Park Wilderness, in Washington, in 1988.

Second, the bill provides that in any area of the park where the United States, under existing reserved water rights, already has the right to all unappropriated water, then those rights shall be deemed sufficient to serve as the wilderness water rights, too. This means that there will be no need for any costly litigation to legally establish new water rights that have no real meaning. Right now, this provision would apply in the eastern half of the park. If the water court with jurisdiction over the western half of the court makes the same ruling about the park's original water rights that the eastern water court did, then this provision would apply to the entire park.

The bill also specifically affirms the authority of Colorado water law and its courts under the McCarran amendment. And the bill makes it clear that it will not interfere with the Adams Tunnel of the Colorado-Big Thompson Project, which is an underground tunnel that goes under Rocky Mountain National Park. Why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good?

The wilderness designation will give an important additional level of protection to most of the national park. Our national park system was created, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 79 years has kept most of the park in a natural condition. And all the lands that are covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other man-made features that interfere with the spectacular natural beauty and wildness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As surrounding land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape.

Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year.

This bill will protect some of our nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment in Colorado to preserving the very features that make our State such a remarkable place to live.

Daily Digest

HIGHLIGHTS

House and Senate agreed to Omnibus Appropriations Conference Report.

Senate

Chamber Action

Routine Proceedings, pages S4095–S4267

Measures Introduced: Nine bills and two resolutions were introduced, as follows: S. 1702–1710, and S. Res. 251 and 252. **Page S4190**

Measures Reported: Reports were made as follows:

S. 1611, to establish the Kentucky National Wildlife Refuge. (S. Rept. No. 104–257)

S. Res. 217, to designate the first Friday in May 1996, as "American Foreign Service Day" in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

S. 966, for the relief of Nathan C. Vance.

S. 1624, to reauthorize the Hate Crime Statistics Act.

S. Con. Res. 56, recognizing the tenth anniversary of the Chornobyl nuclear disaster, and supporting the closing of the Chornobyl nuclear power plant. **Page S4189**

Measures Passed:

Authorizing Use of Capitol Grounds: Senate agreed to H. Con. Res. 166, authorizing the use of the Capitol Grounds for the Washington for Jesus 1996 prayer rally. **Page S4262**

Acknowledging Law Enforcement Service: Senate agreed to S. Res. 251, to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers. **Page S4262**

Continental Basketball Association Champions: Senate agreed to S. Res. 252, to congratulate the Sioux Falls Skyforce, of Sioux Falls, South Dakota, on winning the 1996 Continental Basketball Association Championship. **Pages S4263–64**

Chornobyl Anniversary: Senate agreed to S. Con. Res. 56, commemorating the 10th anniversary of the Chornobyl disaster. **Pages S4264–65**

Mercury-Containing and Rechargeable Battery Management Act: Senate passed H.R. 2024, to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries. **Pages S4265–66**

Illegal Immigration Reform: Senate continued consideration of S. 1664, to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; and to reduce the use of welfare by aliens, taking action on amendments proposed thereto, as follows: **Pages S4116–56, S4160–62, S4180**

Adopted:

Coverdell (for Dole/Coverdell) Amendment No. 3737 (to Amendment No. 3725), to establish grounds for deportation for offenses of domestic violence, stalking, crimes against children, and crimes of sexual violence without regard to the length of sentence imposed. **Pages S4116, S4150**

Rejected:

By 20 yeas to 80 nays (Vote No. 83), Simpson Amendment No. 3739 (to Amendment No. 3725), to provide for temporary numerical limits on family-sponsored immigrant visas, a temporary priority-based system of allocating family-sponsored immigrant visas, and a temporary per-country limit. **Pages S4116–50**

Feinstein/Boxer Amendment No. 3740 (to Amendment No. 3725), to limit and improve the

system for the admission of family-sponsored immigrants. (By 74 yeas to 26 nays (Vote No. 84), Senate tabled the amendment.) **Page S4151**

Simpson motion to recommit the bill to the Committee on the Judiciary with instructions to report back forthwith. (By 53 yeas to 47 nays (Vote No. 85), Senate tabled the motion.) **Pages S4116, S4154–55**

Simpson Amendment No. 3725 (to instructions of motion to recommit), to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education. (The amendment fell when the motion to recommit was tabled.) **Page S4116**

Simpson Amendment No. 3669, to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education. (By 53 yeas to 46 nays (Vote No. 86), Senate tabled the amendment.) **Pages S4116, S4155–56**

Simpson Amendment No. 3670, to establish a pilot program to collect information relating to nonimmigrant foreign students. (By 53 yeas to 47 nays (Vote No. 87), Senate tabled the amendment.) **Pages S4116, S4156**

Simpson Amendment No. 3671, to create new ground of exclusion and of deportation for falsely claiming U.S. citizenship. (By 53 yeas to 46 nays (Vote No. 88), Senate tabled the amendment.) **Pages S4116, S4156**

Simpson Amendment No. 3722 (to Amendment No. 3669), in the nature of a substitute. (The amendment fell when Amendment No. 3669, listed above, was tabled.) **Page S4116**

Simpson Amendment No. 3723 (to Amendment No. 3670), in the nature of a substitute. (The amendment fell when Amendment No. 3670, listed above, was tabled.) **Page S4116**

Simpson Amendment No. 3724 (to Amendment No. 3671), in the nature of a substitute. (The amendment fell when amendment No. 3671, listed above, was tabled.) **Page S4116**

Pending:

Dole (for Simpson) Amendment No. 3743, of a perfecting nature. **Pages S4160–61**

Dole (for Simpson) Amendment No. 3744 (to Amendment No. 3743), of a perfecting nature. **Pages S4160–61**

Dole Motion to recommit the bill to the Committee on the Judiciary with instructions to report back forthwith. **Pages S4160–61**

Lott Amendment No. 3745 (to the instructions of the motion to recommit), to require the report to Congress on detention space to state the amount of detention space available in each of the preceding 10 years. **Pages S4160–61**

Dole Modified Amendment No. 3746 (to Amendment No. 3745), to authorize the use of volunteers to assist in the administration of naturalization programs, port of entry adjudications, and criminal alien removal. **Pages S4160–61, S4180**

A motion was entered to close further debate on Amendment No. 3743 and, by unanimous-consent agreement, a vote on the cloture motion will occur on Monday, April 29, 1996. **Pages S4160–61**

A second motion was entered to close further debate on Amendment No. 3743 and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the second cloture motion could occur on Tuesday, April 30, 1996. **Pages S4160–61**

Omnibus Appropriations—Conference Report: By 88 yeas to 11 nays (Vote No. 89), Senate agreed to the conference report on H.R. 3019, making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, clearing the measure for the President. **Pages S4156–60**

Nominations Received: Senate received the following nominations:

1 Air Force nomination in the rank of general.

7 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Navy. **Page S4267**

Messages From the House: **Pages S4187–88**

Measures Referred: **Page S4188**

Measures Placed on Calendar: **Page S4188**

Communications: **Pages S4188–89**

Executive Reports of Committees: **Pages S4189–90**

Statements on Introduced Bills: **Pages S4190–95**

Additional Cosponsors: **Pages S4195–96**

Amendments Submitted: **Pages S4196–S4249**

Notices of Hearings: **Page S4249**

Authority for Committees: **Pages S4249–50**

Additional Statements: **Pages S4950–62**

Record Votes: Seven record votes were taken today. (Total–89) **Pages S4150, S4153, S4154–56, S4159–60**

Adjournment: Senate convened at 8:30 a.m., and adjourned at 9:20 p.m., until 11:30 a.m., on Monday, April 29, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4267.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies held hearings on proposed budget estimates for fiscal

year 1997 for the Department of Agriculture, receiving testimony in behalf of funds for rural programs from Jill Long Thompson, Under Secretary for Rural Development, Wally Beyer, Administrator, Rural Utilities Service, W. Bruce Crain, Director, Alternative Agriculture Research and Commercialization Center, Maureen A. Kennedy, Administrator, Rural Housing Service, Dayton J. Watkins, Administrator, Rural Business-Cooperative Service, and Dennis L. Kaplan, Deputy Director for Budget, Legislative, and Regulatory Systems, Office of Budget and Program Analysis, all of the Department of Agriculture.

Subcommittee will meet again on Tuesday, April 30.

APPROPRIATIONS—TRANSPORTATION

Committee on Appropriations: Subcommittee on Transportation and Related Agencies held hearings to review proposed budget estimates for fiscal year 1997 for the Department of Transportation, receiving testimony from Federico Peña, Secretary, and Louise F. Stoll, Assistant Secretary, both of the Department of Transportation.

Subcommittee will meet again on Thursday, May 2.

DOMESTIC AVIATION

Committee on Commerce, Science, and Transportation: Committee held hearings to examine changes that have occurred in domestic aviation since the deregulation of the airline industry, focusing on comparisons in airline fares, service quantity and quality, and safety for airports serving small, medium-sized, and large communities, receiving testimony from John H. Anderson, Jr., Director, Frank Mulvey, Assistant Director, and Timothy F. Hannegan, Senior Evaluator, all of the Transportation and Telecommunications Issues, Resources, Community, and Economic Development Division, General Accounting Office; Charles A. Hunnicutt, Assistant Secretary of Transportation for Aviation and International Aviation, Department of Transportation; former Mayor Donald Overman, Scottsbluff, Nebraska; Herbert D. Kelleher, Southwest Airlines Co., Dallas, Texas; Lewis Jordan, ValuJet Airlines, Inc., Atlanta, Georgia; Edward R. Beauvais, Western Pacific Airlines, Inc., Colorado Springs, Colorado; Douglas G. Voss, Great Lakes Aviation, Ltd., Bloomington, Minnesota; David J. Jagim, South Dakota Department of Transportation, Pierre; and Kyle Hopstad, Central Montana Medical Center, Lewistown.

Hearings were recessed subject to call.

MISCELLANEOUS MEASURES

Committee on Energy and Natural Resources: Subcommittee on Parks, Historic Preservation and Recreation concluded hearings on S. 902, to authorize the Secretary of the Interior to assist in the construction of a building to be used jointly by the Secretary for park purposes and by the city of Natchez as an intermodal transportation center, S. 951, to commemorate the service of First Ladies Jacqueline Kennedy and Patricia Nixon to improving and maintaining the Executive Residence of the President and to authorize grants to the White House Endowment Fund in their memory to continue their work, S. 1098, to establish the Midway Islands as a National Memorial, H.R. 826, to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, and H.R. 1163, to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, New York, after receiving testimony from Senators Helms and Hutchison; Representative Forbes; Denis P. Galvin, Associate Director, Professional Services, National Park Service, and Carolyn Bohan, Deputy Assistant Director for Refuges and Wildlife, United States Fish and Wildlife Service, both of the Department of the Interior; Adm. Thomas H. Moorer, USN (Ret.), former Chairman, Joint Chiefs of Staff; Mayor Larry L. Brown, Natchez, Mississippi; Mayor Stephen E. Keegan, Village of Patchogue, New York; Neil W. Horstman, Washington, D.C., and Dottie Craig, Midland, Texas, both on behalf of the White House Endowment Fund; Glenn A. Chancellor, Temple-Inland Forest Products Corporation, Diboll, Texas; and James M. D'Angelo, Chevy Chase, Maryland, on behalf of the International Midway Memorial Foundation, Inc.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

The Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature and signed by the United States at Paris on January 13, 1993, with 7 conditions and 11 declarations;

S. Con. Res. 56, commemorating the 10th anniversary of the Chornobyl disaster; and

The nominations of Kenneth C. Brill, of California, to be Ambassador to the Republic of Cyprus, Prudence Bushnell, of Virginia, to be Ambassador to the Republic of Kenya, Christopher Robert Hill, of Rhode Island, to be Ambassador to The Former Yugoslav Republic of Macedonia, Charles O. Cecil, of California, to be Ambassador to the Republic of Niger, David C. Halsted, of Vermont, to be Ambassador to the Republic of Chad, Morris N. Hughes, Jr., of Nebraska, to be Ambassador to the Republic

of Burundi, Princeton Nathan Lyman, of Maryland, to be an Assistant Secretary of State for International Organization Affairs, Richard L. Morningstar, of Massachusetts, for the rank of Ambassador during his tenure of service as Special Advisor to the President and to the Secretary of State on Assistance to the New Independent States of the Former Soviet Union and Coordinator of NIS Assistance, Day Olin Mount, of Virginia, to be Ambassador to the Republic of Iceland, Dane Farnsworth Smith, Jr., of New Mexico, to be Ambassador to the Republic of Senegal, George F. Ward, Jr., of Virginia, to be Ambassador to the Republic of Namibia, and Sharon P. Wilkinson, of New York, to be Ambassador to Burkina Faso.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

The nominations of Eric L. Clay, of Michigan, to be United States Circuit Judge for the Sixth Circuit Court of Appeals, Charles N. Clevert, Jr., to be United States District Judge for the Eastern District of Wisconsin, Nanette K. Laughrey, to be United States District Judge for the Eastern and Western Districts of Missouri, Donald W. Molloy, to be United States District Judge for the District of Montana, and Susan Oki Mollway, to be United States District Judge for the District of Hawaii;

S. 1624, to permanently authorize funds for programs of the Hate Crime Statistics Act of 1990;

S. 1090, to amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for public access to information in an electronic format, with an amendment in the nature of a substitute;

S. 966, for the relief of Nathan C. Vance; and

S. Res. 217, to designate the first Friday in May 1996, as ''American Foreign Service Day'' in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

WHITEWATER

Special Committee to Investigate the Whitewater Development Corporation and Related Matters: Committee resumed hearings to examine certain issues relative to the Whitewater Development Corporation, receiving testimony from Betsy Wright, Little Rock, Arkansas.

House of Representatives

Chamber Action

Bills Introduced: 28 public bills, H.R. 3320–3347; and 1 resolution, H. Res. 414 were introduced.

Pages H4108–09

Reports Filed: Reports were filed as follows:

Conference report on H.R. 3019, making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget (H. Rept. 104–537);

H. Res. 415, waiving points of order against the conference report to accompany the bill, H.R. 3019, making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget (H. Rept. 104–538);

Supplemental report on H.R. 2406, to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs (H. Rept. 104–461, part 2); and

H.R. 1663, to amend the Waste Isolation Pilot Land Withdrawal Act, amended (H. Rept. 104–540, Part 1). **Pages H3842–H4043, H4108**

Journal: By a yea-and-nay vote of 338 yeas to 56 nays, Roll No. 132, the House agreed to the Speaker's approval of the Journal of Wednesday, April 24.

Pages H3821–22

Member Sworn: Representative-elect Cummings presented himself in the well of the House and was administered the oath of office by the Speaker.

Page H3822

Committee Resignation: Read a letter from Representative Waters wherein she resigns from the Committee on Veterans Affairs. **Page H3824**

Committee Election: Agreed to H. Res. 412, electing Members to certain standing committees of the House of Representatives. **Pages H3824–25**

Waiving requirement of the Committee on Rules: By a recorded vote of 286 ayes to 135 noes, Roll No. 134, the House agreed to H. Res. 412, waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules. Agreed to order the previous question on the resolution by a yea-and-nay vote of 220 yeas to 200 nays, Roll No. 133. **Pages H3828–38**

Omnibus Appropriations Act of 1996: By a yea-and-nay vote of 399 yeas to 25 nays, Roll No. 135, the House agreed to the conference report on H.R. 3019, making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget. **Pages H4052–H4101**

Rejected the Yates motion to recommit the conference report to the committee of conference. **Pages H4100–01**

H. Res. 415, the rule which waived all points of order against consideration of the conference report, was agreed to earlier by a voice vote. **Pages H4046–52**

Legislative Program: The Chief Deputy Majority Whip announced the legislative program for the week of April 29. Agreed to adjourn from Thursday to Monday. **Page H4102**

Meeting Hour: Agreed that when the House adjourns on Monday, it adjourns to meet at 12:30 p.m. on Tuesday, April 30, for morning hour debates. **Page H4102**

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of May 1. **Page H4102**

Housing Act: It was made in order that H. Rept. 104–461, filed on February 1, 1996, be amended to include Congressional Budget Office cost estimates for H.R. 2406, to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs. **Page H4102**

Recess: The House recessed at 5:15 p.m. and reconvened at 8:45 p.m. **Page H4104**

Quorum Calls—Votes: Three yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H3821–22, H3837, H3837–38, and H4101. There were no quorum calls.

Senate Messages: Messages received from the Senate today appear on pages H3822 and H4104.

Adjournment: Met at 10:00 a.m. and adjourned at 8:48 p.m.

Committee Meetings

COMMERCE, JUSTICE, STATE, AND THE JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and the Judiciary held a hearing on the Federal Maritime Commission and Maritime Administration; the Equal Employment Opportunity Commission; the Commerce Department Inspector General and Commerce Department Under Secretary for Technology; the National Institute of Standards and Technology; and the Patent and Trademark Office. Testimony was heard from Harold J. Creel, Jr., Chairman, Federal Maritime Commission; Albert J. Herberger, Administrator, Maritime Administration, Department of Transportation; Gilbert F. Casellas, Chairman, EEOC; and the following officials of the Department of Commerce: Frank DeGeorge, Inspector General; Mary Good, Under Secretary, Technology; Arati Prabhaker, Director, National Institute of Standards and Technology; and Bruce Lehman, Assistant Secretary and Commissioner of Patents.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Agencies continued appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on the Secretary of Energy and on the Forest Service. Testimony was heard from Hazel R. O'Leary, Secretary of Energy; and the following officials of the USDA: James Lyons, Under Secretary; and Jack Thomas, Chief, Forest Service.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on the National Institute of Child Health and Human Development, the National Institution of General Medical Sciences, Buildings and Facilities, and on the Office of the Director. Testimony was heard from the following officials of the Department of Health and Human Services: Duane Alexander, M.D., Director, National Institute of Child Health and Human Development; Marvin Cassman, M.D., Acting Director, National Institute of General Medicine Sciences; Stephen A. Ficca, Associate Director, Research Services, NIH; and Ruth Kirschstein, Deputy Director, NIH.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service and General Government held a hearing on the Bureau of Alcohol, Tobacco and Firearms Operations. Testimony was heard from the following officials of the Department of the Treasury: James E. Johnson, Assistant Secretary, Treasury Law Enforcement; and John Magaw, Director, Bureau of Alcohol, Tobacco and Firearms; and Norman J.

Rabkin, Director, Administration of Justice Issues GAO.

VETERANS' AFFAIRS-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies held a hearing on NASA. Testimony was heard from Daniel S. Goldin, Administrator, NASA.

INTERNATIONAL FINANCIAL INSTITUTIONS AUTHORIZATION

Committee on Banking and Financial Institutions: Subcommittee on Domestic and International Monetary Policy held a hearing on the Administration's authorization requests for International Financial Institutions. Testimony was heard from Jeffrey R. Schafer, Assistant Secretary, International Affairs, Department of the Treasury; and Joan E. Spero, Under Secretary, Economic and Agriculture Affairs, Department of State.

ATM SURCHARGES

Committee on Banking and Financial Institutions: Subcommittee on Financial Institutions and Consumer Credit continued hearings on ATM Surcharges. Testimony was heard from Lawrence B. Lindsey, member, Board of Governors, Federal Reserve System; John Traier, Acting Commissioner, Department of Banking, State of New Jersey; and public witnesses.

DEPARTMENT OF LABOR—ABUSE OF POWER

Committee on Economic and Educational Opportunities: Subcommittee on Oversight and Investigations held a hearing on the Abuse of Power at the Department of Labor. Testimony was heard from Charles Masten, Inspector General, Department of Labor; and a public witness.

FINANCIAL MANAGEMENT AND ACCOUNTING REFORM

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held a hearing on Financial Management and Accounting Reform. Testimony was heard from Representative Campbell; Ronald C. Moe, Specialist, Congressional Research Service, Library of Congress; and public witnesses.

FOREIGN ASSISTANCE BUDGET REQUEST

Committee on International Relations: Held a hearing on the Administration's Foreign Assistance Budget Request for Fiscal Year 1997. Testimony was heard from J. Brian Atwood, Administrator, AID, U.S. International Development Cooperation Agency.

FAN FREEDOM AND COMMUNITY PROTECTION ACT

Committee on the Judiciary: Ordered reported as amended H.R. 2740, Fan Freedom and Community Protection Act of 1995.

CAPTIVE EXOTIC ANIMAL PROTECTION ACT OF 1995

Committee on the Judiciary: Subcommittee on Crime held a hearing on H.R. 1202, Captive Exotic Animal Protection Act of 1995. Testimony was heard from Representatives Brown of California, Fields of Texas, Geren of Texas, Goss, Brewster and Smith of Texas; Thomas J. Streigler, Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Personnel approved for full Committee action as amended H.R. 3230, National Defense Authorization Act for Fiscal Year 1997.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Readiness approved for full Committee action as amended H.R. 3230, National Defense Authorization Act for Fiscal Year 1997.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 3286, amended, Adoption Promotion and Stability Act of 1996; H.R. 2982, Carbon Hill National Fish Hatchery Conveyance Act; H.R. 2464, to amend Public Law 103–93 to provide additional lands within the State of Utah for the Goshute Indian Reservation; H.R. 2560, amended, to provide for conveyances of certain lands in Alaska to Chickaloon-Moose Creek Native Association, Inc., Ninilchik Native Association, Inc., Seldovia Native Association, Inc., Tyonek Native Corp., and Knikatnu, Inc. under the Alaska Native Claims Settlement Act and S. 1459, Public Rangelands Management Act of 1996.

The Committee also approved a motion to authorize the issuance of a subpoena to compel the appearance of a witness.

CONFERENCE REPORT—BALANCED BUDGET DOWNPAYMENT ACT, II

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 3019, making further appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony

was heard from Chairman Livingston and Representative Obey.

INTELLECTUAL PROPERTY ISSUES

Committee on Small Business: Held a hearing on intellectual property issues of importance to small business, with emphasis on examining different approaches to pressing patent term and patent disclosure issues that are contained in pending legislation (H.R. 359 and H.R. 1733). Testimony was heard from public witnesses.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

COAST GUARD AND MARITIME COMMISSION AUTHORIZATIONS

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on the Coast Guard Budget Authorization for Fiscal Year 1997 and the Federal Maritime Commission Budget Authorization for Fiscal Year 1997. Testimony was heard from the following officials of the U.S. Coast Guard, Department of Transportation: Adm. Robert Kramek, USCG, Commandant; and Eric A. Trent, USCG, Master Chief Petty Officer; Gerald L. Dillingham, Associate Director, Transportation and Telecommunications Issues, Resources, Community, and Economic Development Division, GAO; Harold J. Creel, Jr., Chairman, Federal Maritime Commission; and a public witness.

TRANSIT PROJECTS

Committee on Transportation and Infrastructure: Subcommittee on Surface Transportation held a hearing to review unauthorized Transit Projects and Legislative requests for fiscal year 1997. Testimony was heard from Representatives Romero-Barceló, Costello, Mica, McCollum, Dornan, Eddie Bernice Johnson of Texas. Frost, Hayes, Jefferson, Portman, Bunning of Kentucky, Lucas, Furse, Ford, Deutsch, Johnston, Diaz-Balart, Ros-Lehtinen, Coyne, Mascara, Geren of Texas, McKinney, Gibbons, Schafer, Shaw and Meek of Florida; from the following officials of the Department of Transportation: Gordon J. Linton, Administrator, Federal Transit Administration, and Jack Basso, Deputy Assistant Secretary, Budget and Programs, Office of the Secretary;

TAX DEBT COLLECTION

Committee on Ways and Means: Subcommittee on Oversight held a hearing on Tax Debt Collection Issues. Testimony was heard from Representatives Jacobs, Ensign, Horn and Maloney; the following officials of the Department of the Treasury: Cynthia G. Beerbower, Deputy Assistant Secretary, Tax Policy; and James E. Donelson, Chief Taxpayer Service/Acting Chief Compliance Officer, IRS; Lynda Willis, Director, Tax Policy and Administration Issues, GAO; Gene Gavin, Commissioner, Department of Revenue Services, State of Connecticut; Thomas Hoatlin, Commissioner of Revenue, Bureau of Revenue, State of Michigan; and public witnesses.

PERISHABLE AGRICULTURAL PRODUCTS

Committee on Ways and Means: Subcommittee on Trade held a hearing on H.R. 2795, to amend the Trade Act of 1974 and the Tariff Act of 1930 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products. Testimony was heard from Senator Graham; Representatives Goss, Pastor, Canady, Miller and Deutsch; Jennifer Hillman, General Counsel, Office of the U.S. Trade Representative; Becky Doyle, Director, Department of Agriculture, State of Illinois; Martha Roberts, Deputy Director, Food Safety, Department of Agriculture and Consumer Services, State of Florida; and public witnesses.

BOSNIA ARMS BRIEFING; UNWARNED SENSORS BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to hold a briefing on Bosnia Arms. The Committee was briefed by a departmental witness.

The Committee also met in an executive session to receive a briefing on Unwarned Sensors. The Committee was briefed by departmental witnesses.

Joint Meetings

CROW CREEK TRUST FUND

Joint Hearing: Senate Committee on Indian Affairs and the House Committee on Resources' Subcommittee on Native American and Insular Affairs concluded joint hearings on S. 1264 and H.R. 2512, bills authorizing funds to establish within the Department of the Treasury the Crow Creek Sioux Tribe Infrastructure Development Trust Fund, which will receive funds from the programs of the Eastern Division of the Missouri River Basin Pick-Sloan program until a specified Fund aggregate is attained, after receiving testimony from Senator Daschle; Representative Tim Johnson; Catherine Vandemoer, Special Assistant to the Assistant Secretary of the Interior for Indian Affairs; Col. Michael S. Meuleners, Commander, Omaha District, United States Army Corps of Engineers; Duane Big Eagle and Ambrose McBride, both of the Crow Creek Sioux Tribe, Fort Thompson, South Dakota; Morgan R. Rees, Rees Engineering and Environmental Services, Alexandria,

Virginia; Michael L. Lawson, Historical Research Associates, Inc., Arlington, Virginia; and Richard Bad Moccasin, Mni-Sose Intertribal Water Rights Coalition, Inc., Rapid City, South Dakota.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D304)*

H.J. Res. 175, making further continuing appropriations for the fiscal year 1996. Signed April 24, 1996. (P.L. 104–131)

S. 735, to prevent and punish acts of terrorism. Signed April 24, 1996. (P.L. 104–32)

COMMITTEE MEETINGS FOR FRIDAY, APRIL 26, 1996

(Committee meetings are open unless otherwise indicated)

Senate

No meetings are scheduled.

House

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education, on National Institute of Arthritis and Musculoskeletal and Skin Diseases; the National Institute on Aging; the National Institute of Dental Research; and the National Institute of Nursing Research, 9 a.m., 2358 Rayburn.

CONGRESSIONAL PROGRAM AHEAD

Week of April 29 through May 4, 1996

Senate Chamber

On *Monday,* Senate will resume consideration of S. 1664, Illegal Immigration Reform, with a vote on a motion to close further debate on a pending perfecting amendment to occur thereon.

On *Tuesday,* Senate may continue consideration of S. 1664, Illegal Immigration Reform, with a second vote on a motion to close further debate on a pending perfecting amendment to occur thereon, if necessary.

During the balance of the week, Senate may consider any item cleared for action, including:

S. 1271, Nuclear Waste Policy Act.

(Senate will recess on Tuesday, April 30, 1996, from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: April 30 and May 3, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 1997, Tuesday, for the Federal Emergency Management Agency, 9:30 a.m.; Friday, for the Department of Veterans Affairs, 9:30 a.m., SD–192.

April 30, Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Agriculture, 10 a.m., SD–138.

May 1, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on Reserve and National Guard programs, 9:30 a.m., SD–192.

May 1, Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 1997 for foreign assistance programs, focusing on the New Independent States, 2 p.m., SD–138.

May 2, Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1997, Thursday, for energy conservation programs, 9 a.m.; for fossil energy, clean coal energy, the Strategic Petroleum Reserve, and the Naval Petroleum Reserve, 10:30 a.m.; Thursday at 9 a.m. and Thursday at 10:30 a.m., SD–116.

May 2, Subcommittee on Transportation, to hold hearings on proposed budget estimates for fiscal year 1997 for the Federal Aviation Administration, 10 a.m., SD–192.

Committee on Armed Services: April 29, Subcommittee on Personnel, closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for fiscal year 1997, 3 p.m., SR–222.

April 30, Subcommittee on Readiness, business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for fiscal year 1997, 10 a.m., SR–232A.

April 30, Subcommittee on Acquisition and Technology, closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for fiscal year 1997, 11 a.m., SR–222.

April 30, Subcommittee on Airland Forces, closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for fiscal year 1997, 2:30 p.m., SR–222.

April 30, Subcommittee on SeaPower, closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for fiscal year 1997, 4:30 p.m., SR–232A.

April 30, Subcommittee on Strategic Forces, closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for fiscal year 1997, 6 p.m., SR–222.

May 1, Full Committee, closed business meeting, to mark up a proposed National Defense Authorization Act for fiscal year 1997, and to receive a report from the Senate Select Committee on Intelligence on the Intelligence Authorization Act for Fiscal Year 1997, 9 a.m., SR–222.

May 2, Full Committee, closed business meeting, to continue to mark up a proposed National Defense Authorization Act for fiscal year 1997, 9 a.m., SR–222.

Committee on Commerce, Science, and Transportation: April 30, to hold hearings on the proposed nomination of Michael Kantor, of California, to be Secretary of Commerce, 9:30 a.m., SR–253.

April 30, Subcommittee on Oceans and Fisheries, to hold hearings on S. 1420, to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, 2:30 p.m., SR–253.

May 1, Subcommittee on Aviation, to hold hearings to examine airport revenue diversion, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: May 1, business meeting, to consider pending calendar business, 9:30 a.m., SD–366.

May 2, Subcommittee on Forests and Public Land Management, to hold hearings on S. 1401, to amend the Surface Mining Control and Reclamation Act of 1977 to minimize duplication in regulatory programs and to give States exclusive responsibility under approved States program for permitting and enforcement of the provisions of that Act with respect to surface coal mining and reclamation operations, and S. 1194, to amend the Mining and Mineral Policy Act of 1970 to promote the research, identification, assessment, and exploration of marine mineral resources, 9:30 a.m., SD–366.

May 2, Subcommittee on Parks, Historic Preservation and Recreation, to hold hearings on S. 742, to limit acquisition of land on the 39-mile segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to acquisition from willing sellers, S. 1167, to exclude the South Dakota segment of the Missouri River designated as a recreational river, S. 1168, to exclude any private lands from the segment of the Missouri River designated as a recreational area, S. 1174, to designate certain segments of the Lamprey River in New Hampshire as components of the National Wild and Scenic Rivers System, and S. 1374, to require the adoption of a management plan for the Hells Canyon National Recreational Area that allows appropriate use of motorized and non-motorized river craft in the recreation area, 2 p.m., SD–342.

Committee on Environment and Public Works: May 2, to hold hearings on the nomination of Hubert T. Bell Jr., of Alabama, to be Inspector General, Nuclear Regulatory Commission, 2:30 p.m., SD–406.

Committee on Foreign Relations: April 30, to hold hearings on the nominations of Wendy Jean Chamberlin, of Virginia, to be Ambassador to the Lao People's Democratic Republic, Thomas C. Hubbard, of Tennessee, to be Ambassador to the Republic of the Philippines and to serve concurrently and without additional compensation as Ambassador to the Republic of Palau, and Glen Robert Rase, of Florida, to be Ambassador to Brunel Darussalam, 10 a.m., SD–419.

May 1, Subcommittee on African Affairs, to hold hearings on development assistance to Africa, 2 p.m., SD–419.

Committee on Governmental Affairs: April 30, Subcommittee on Oversight of Government Management and The District of Columbia, to hold hearings to examine aviation safety, focusing on the training and supervision of Federal Aviation Administration inspectors, 9:30 a.m., SD–342.

Committee on the Judiciary: April 30, to hold hearings to examine affirmative action in California, 10 a.m., SD–226.

Committee on Labor and Human Resources: April 30, to hold hearings on S. 1085, to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex with respect to Federal employment, contracts, and programs, 9:30 a.m., SD–430.

May 1, Full Committee, business meeting, to mark up S. 1643, to authorize appropriations for fiscal years 1997 through 2001 for programs of the Older Americans Act, and to consider pending nominations, 9:30 a.m., SD–430.

Committee on Rules and Administration: May 1, to resume hearings on issues with regard to the Government Printing Office, 9:30 a.m., SR–301.

Committee on Small Business: May 1, to hold hearings on the nomination of Ginger Ehn Lew, of California, to be Deputy Administrator of the Small Business Administration; to be followed by a hearing on the President's proposed budget request for fiscal year 1997 for the Small Business Administration, 9:30 a.m., SR–428A.

Select Committee on Intelligence: April 30 and May 2, to hold closed hearings on intelligence matters, Tuesday at 2:30 p.m. and Thursday at 2 p.m., SH–219.

House Chamber

Monday, No legislative business is scheduled.

Tuesday, Consideration of the following 3 suspensions:

1. H.R. 1823, to amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985;

2. H.R. 1527, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws; and

3. H.R. 873, to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act.

Consideration of the President's Veto of H.R. 1561, to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997.

Wednesday and Thursday, Consideration of H.R. 2149, to reduce regulation, promote efficiencies, and

encourage competition in the international ocean transportation system of the United States, and to eliminate the Federal Maritime Commission (subject to a rule being granted); and

Consideration of H.R. 2641, to amend title 28, United States Code, to provide for appointment of United States marshals by the Director of the United States Marshals Service (subject to a rule being granted).

Friday, No legislative business is scheduled.

NOTE: Conference reports may be brought up at any time. Any further program will be announced later.

House Committees

Committee on Agriculture, May 2, Subcommittee on Livestock, Dairy, and Poultry, hearing to review science-based meat and poultry inspection; emerging technologies; and the approval process for new technology, 9 a.m., 1300 Longworth.

Committee on Appropriations, April 30, Subcommittee on Commerce, Justice, State, and the Judiciary, on National Oceanographic and Atmospheric Administration; Marine Mammal Commission; State, Oceans and Environmental Science, Fisheries, 10 a.m., and on USIA, 2 p.m., H–310 Capitol.

April 30, Subcommittee on Foreign Operations, on Security Assistance, 2 p.m., H–144 Capitol.

April 30, Subcommittee on Labor, Health and Human Services, and Education, on Agency for Health Care Policy and Research and Health Care Financing Administration, 10 a.m., and on SSA, 2 p.m., 2358 Rayburn.

April 30, Subcommittee on Treasury, Postal Service, and General Government, on Congressional and public witnesses, 10 a.m. and 2 p.m., B–307 Rayburn.

April 30, Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies, on Community Development Financial Institutions, 10 a.m., on National Credit Union Agencies, 11 a.m., on Neighborhood Reinvestment Corporation, 2 p.m., and on Office of Science and Technology Policy, 3 p.m., H–143 Capitol.

May 1, Subcommittee on Commerce, Justice, State, and the Judiciary, on Federal Law Enforcement: FBI; DEA; U.S. Attorneys, Criminal Division/Interagency Crime and Drug Enforcement, 10 a.m., and on International Law Enforcement: FBI; DEA; Immigration and Naturalization Service; Department of State, International Narcotics and Law Enforcement Affairs/Diplomatic Security, 2 p.m. 2358 Rayburn.

May 1, Subcommittee on Labor, Health and Human Services, and Education, on Centers for Disease Control, 10 a.m., and on Health Resources and Services Administration, 2 p.m., 2358 Rayburn.

May 1, Subcommittee on National Security, on Congressional and public witnesses, 10 a.m., and 1:30 p.m., H–140 Capitol.

May 1, Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies, on Department of Housing and Urban Development, 9 a.m., and 2 p.m., 2360 Rayburn.

May 2, Subcommittee on Commerce, Justice, State, and the Judiciary, on Commerce Department Statistical Programs, Undersecretary for Economics and Statistics, Bureau of Census, and Bureau of Economic Analysis, 10 a.m., and on International Organizations and Conferences, United States Mission to United Nations, International Organizations and OAS, 2 p.m., 2360 Rayburn.

May 2, Subcommittee on Labor, Health and Human Services, and Education, on Substance Abuse and Mental Health Services Administration, 10 a.m., and on Administration for Children and Families; Administration on Aging, 2 p.m., 2358 Rayburn.

May 2, Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies, on NSF, 10 a.m., and on Corporation for National and Community Service, 2 p.m., H–143 Capitol.

Committee on Banking and Financial Services, April 30 and May 2, hearings on the Federal financial institutions regulatory system, 10 a.m., 2128 Rayburn.

May 1, Subcommittee on General Oversight and Investigations, hearing regarding the termination of Mr. Robert H. Swan as a member of the Board of the National Credit Union Administration, 10 a.m., 2128 Rayburn.

Committee on Commerce, May 1, Subcommittee on Energy and Power oversight hearing on the Federal Energy Regulatory Commission's Final Rule on Open Access Transmission and the Future of Electric Utility Regulations, 10 a.m., 2322 Rayburn.

May 1 and 2, Subcommittee on Health and Environment, hearings on the following bills: H.R. 3199, Drug and Biological Products Reform Act of 1996; H.R. 3200, Food Amendments and Animal Drug Availability Act of 1996; and H.R. 3201, Medical Device Reform Act of 1996, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, April 30, Subcommittee on Early Childhood, Youth and Families, hearing on Youth, Violence, Gangs and the Juvenile Justice and Delinquency Prevention Act, 1 p.m., 2175 Rayburn.

May 1, full committee, to markup the following bills: H.R. 2066, to amend the National School Lunch Act to provide greater flexibility to schools to meet the dietary guidelines for Americans under the school lunch and school breakfast programs; and H.R. 3269, Impact Aid Technical Amendments Act of 1996, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, April 30, Subcommittee on Civil Service, hearing on Veterans Preference, 9 a.m., 2247 Rayburn.

April 30, Subcommittee on Government Management, Information and Technology, oversight hearing on GAO, 9:30 a.m., 2157 Rayburn.

April 30, Subcommittee on Human Resources and Intergovernmental Relations, hearing on Preventing Teen Pregnancy: Coordinating Community Efforts, 10 a.m., 2154 Rayburn.

May 2, Subcommittee on Human Resources and Intergovernmental Relations and Subcommittee on Government Management, Information and Technology, joint

hearing on H.R. 3224, Health Care Fraud and Abuse Prevention Act of 1996, H.R. 1850, Health Care Fraud and Abuse Act of 1995, and H.R. 2480, Inspector General for Medicare and Medicaid Act of 1995, 10 a.m., 2154 Rayburn.

Committee on International Relations, April 30, hearing on the Threat from Russian Organized Crime, 10 a.m., 2172 Rayburn.

May 2, hearing on the Administration's Foreign Policy Record: An Evaluation, 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, April 29, Subcommittee on the Constitution, oversight hearing on assisted suicide in the United States, 1 p.m., 2237 Rayburn.

May 2, Subcommittee on Commercial and Administrative Law, hearing on H.R. 3307, Regulatory Fair Warning Act, 10 a.m., 2226 Rayburn.

Committee on National Security, April 30, Subcommittee on Military Procurement, to markup H.R. 3230, National Defense Authorization Act for Fiscal Year 1997, 1:30 p.m., 2118 Rayburn.

April 30, Subcommittee on Military Research and Development, to markup H.R. 3230, National Defense Authorization Act for Fiscal year 1997, 3:30 p.m., 2118 Rayburn.

May 1, full Committee, to markup the following bills: H.R. 3144, to establish a U.S. policy for the deployment of a national missile defense system; H.R. 3308, to amend title 10, United States Code, to limit the placement of U.S. forces under U.N. operational or tactical control; H.R. 3281, Maritime Administration Authorization Act for Fiscal Year, 1997; and H.R. 3230, National Defense Authorization Act for Fiscal year 1997, 10 a.m., 2118 Rayburn.

Committee on Resources, May 2, Subcommittee on National Parks, Forests, and Lands, hearing on H.R. 3088, to provide for the exchange of certain federally owned lands and mineral interests therein, 10 a.m., 1324 Longworth.

May 2, Subcommittee on Water and Power Resources, oversight hearing on Pick-Sloan Repayment Issues, 10 a.m., 1334 Longworth.

Committee on Science, May 1, Subcommittee on Energy and Environment, hearing on Department of Energy FY 1997 budget request for environment, safety and health; environment restoration and waste management; and nuclear energy, 10 a.m., 2318 Rayburn.

May 2, Subcommittee on Energy and Environment, hearing on Changes in U.S. Patent Law and their Implications for Energy and Environment Research and Development, 10 a.m., 2318 Rayburn.

May 2, Subcommittee on Technology, oversight hearing on Research Laboratory Programs at the National Institute of Standards and Technology, Part 2, 10 a.m., 2325 Rayburn.

Committee on Small Business, May 1, hearing on Small Business' Access to Capital: Role of Banks in Small Business Financing, 10 a.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, April 30, Subcommittee on Aviation, to continue hearings on Problems in the U.S. Aviation Relationship with the United Kingdom and Japan, 2 p.m., 2167 Rayburn.

May 1, Subcommittee on Aviation, hearing on H.R. 3267, Child Pilot Safety Act, 1 p.m., 2176 Rayburn.

May 2, Subcommittee on Public Buildings and Economic Development, hearing on GSA's FY 1997 Capital Investment Program, 8:30 a.m., 2253 Rayburn.

May 2, Subcommittee on Surface Transportation, hearing on ISTEA Reauthorization: Federal Role for Transportation and National Interests, 9:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, April 30, Subcommittee on Compensation, Pension, Insurance, and Memorial Affairs, hearing on access to treatment and compensation for veterans exposed to ionizing radiation, 9:30 a.m., 340 Cannon.

April 30, Subcommittee on Hospitals and Health Care, to markup the following: H.R. 3118, Veterans Health Care Eligibility Reform Act of 1996; and FY 1997 Veterans' Affairs construction authorization, 10 a.m., 340 Cannon.

Committee on Ways and Means, April 30, Subcommittee on Health, hearing on recommendations regarding future directions in the Medicare program, 2 p.m., 1310 Longworth.

May 1, full committee, hearing on the effect of some of the proposed replacement tax systems on State and local governments and tax-exempt entities, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, May 1, executive, hearing on FY 1997 authorization, with emphasis on covert action, 10 a.m., H–405 Capitol.

May 1, executive, hearing on FY 1997 authorization, with emphasis on legislative issues, 1 p.m., H–405 Capitol.

May 2, executive, to markup FY 1997 authorization, 10 a.m., H–405 Capitol.

Next Meeting of the SENATE

11:30 a.m., Monday, April 29

Senate Chamber

Program for Monday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 2:30 p.m.), Senate will resume consideration of S. 1664, Immigration Reform.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, April 29

House Chamber

Program for Monday: No legislative business is scheduled.

Extensions of Remarks, as inserted in this issue

HOUSE

Baker, Richard H., La., E649
Barcia, James A., Mich., E647
Barrett, Thomas M., Wis., E634
Becerra, Xavier, Calif., E647
Boehner, John A., Ohio, E637
Bonior, David E., Mich., E635
Borski, Robert A., Pa., E626
Callahan, Sonny, Ala., E633
Camp, Dave, Mich., E651
Cardin, Benjamin L., Md., E631
Clement, Bob, Tenn., E630
Costello, Jerry F., Ill., E638
Crapo, Michael D., Idaho, E624, E643
Dicks, Norman D., Wash., E653
Dornan, Robert K., Calif., E641, E643
Duncan, John J., Jr., Tenn., E626
Durbin, Richard J., Ill., E649
Emerson, Bill, Mo., E631
English, Phil, Pa., E650
Faleomavaega, Eni F.H., Am. Samoa, E648
Filner, Bob, Calif., E623, E637
Gejdenson, Sam, Conn., E632, E653
Gekas, George W., Pa., E635
Gillmor, Paul E., Ohio, E649
Goodling, William F., Pa., E653
Gordon, Bart, Tenn., E623, E624, E625, E627, E628, E630, E631, E634, E636, E640, E641, E642, E644, E645, E647, E649, E650, E652, E654
Horn, Stephen, Calif., E646
Hutchinson, Y. Tim, Ark., E632
Jackson-Lee, Sheila, Tex., E632
Jacobs, Andrew, Jr., Ind., E629, E651
Johnson, Eddie Bernice, Tex., E654
Johnson, Tim, S. Dak., E650
Kanjorski, Paul E., Pa., E634
Kennedy, Joseph P., II, Mass., E627
Kildee, Dale E., Mich., E625, E637
Kleczka, Gerald D., Wis., E628
LaFalce, John J., N.Y., E652
Lantos, Tom, Calif., E632, E640, E641, E643
Lipinski, William O., Ill., E640, E642, E644
Markey, Edward J., Mass., E630
Martini, William J., N.J., E623, E624, E640, E642
Menendez, Robert, N.J., E641, E643, E644
Metcalf, Jack, Wash., E644
Mica, John L., Fla., E648
Mink, Patsy T., Hawaii, E645
Molinari, Susan, N.Y., E652
Moorhead, Carlos J., Calif., E645
Morella, Constance A., Md., E640, E642
Nethercutt, George R., Jr., Wash., E625
Packard, Ron, Calif., E623, E637, E647
Pastor, Ed, Ariz., E649
Quinn, Jack, N.Y., E647
Radanovich, George P., Calif., E634
Ramstad, Jim, Minn., E645
Richardson, Bill, N. Mex., E636
Roemer, Tim, Ind., E646
Roth, Toby, Wis., E630
Saxton, Jim, N.J., E653
Serrano, José E., N.Y., E625, E627
Skaggs, David E., Colo., E654
Slaughter, Louise McIntosh., N.Y.,E652
Smith, Christopher H., N.J., E623, E651
Stark, Fortney Pete, Calif., E635, E638
Tate, Randy, Wash., E650
Torres, Esteban Edward, Calif., E647
Towns, Edolphus, N.Y., E651
Vento, Bruce F., Minn., E629
Visclosky, Peter J., Ind., E654
White, Rick, Wash., E642
Whitfield, Ed, Ky., E636
Williams, Pat, Mont., E629
Young, Don, Alaska, E638

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access,* contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262; or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $112.50 for six months, $225 per year, or purchased for $1.50 per issue, payable in advance; microfiche edition, $118 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.