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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. WELLER].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 30, 1996.

I hereby designate the Honorable JERRY WELLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from Florida [Ms. BROWN] for 5 minutes.

IN HONOR OF SAM GIBBONS

Ms. BROWN of Florida. Mr. Speaker, we are here today to honor Congressman SAM GIBBONS on the occasion of his retirement at the end of this year. Even before SAM was elected to Congress in 1962, he already had a long and distinguished career. Serving 17 terms in Congress was a fine way for SAM to finish off his remarkable career in public life. Although, I am sure he is not going to disappear. I hear that SAM is gearing up to teach, among other things—not surprising for a man who has spent his whole life serving his country in one way or another.

SAM is most treasured as a hero of World War II. He earned the Bronze Star after parachuting into Normandy on the night before D-day.

SAM served for 10 years in the Florida House of Representatives. One of his proudest accomplishments was passing legislation that created the University of South Florida. Today, SAM is proud to be recognized as the ''Father of the University of South Florida.''

In the Florida Senate, where he served for 4 years, SAM GIBBONS helped establish Florida's regional water management districts. These districts are important because they have enabled us to repair, maintain, and preserve our precious water resources, not just for our current enjoyment, but for Florida's future as well.

So, when SAM GIBBONS marched into Congress in 1962, he was quite accomplished in many areas of policy. And he went on to tackle Congress in grand style. As a junior Member of Congress in 1965, SAM GIBBONS was chosen by President Johnson to shepherd important legislation such as Job Corps and Head Start through Congress. SAM secured a seat on the coveted Ways and Means Committee and became chairman of its Trade Subcommittee in 1981. One of SAM's finest hours was shepherding NAFTA and GATT through Ways and Means to final passage.

In early 1994, when he became the acting chairman of the Ways and Means Committee, SAM GIBBONS was instrumental in passing a health care reform bill through his committee. Later that year, SAM worked tirelessly to protect Medicare, Medicaid, and welfare from the chopping block.

SAM is also a family man. SAM and his darling wife Martha celebrate their 50th wedding anniversary this year. His three sons Clifford, Tim, and Mark, his three daughters-in-law, and his five grandchildren will benefit from our loss when SAM returns home to Florida at the end of this year.

SAM has been our leader, SAM has been our mentor, SAM has been our friend. SAM, thank you for all that you have done for Florida, and for our Nation.

In the Bible, there is a passage ''For I am now ready to be offered, and the time of my departure is at hand. I have fought a good fight. I have finished my course. I have kept the faith.'' SAM GIBBONS has been fighting the good fight, and he has kept the faith. We are so proud of you, SAM. You have been our leader and you have been our friend.

I have a token that I want to give SAM and his wife. SAM, would you come down, please?

A tiny token of our appreciation to you and from me personally as being my mentor when I arrived here.

Mr. GIBBONS. Thank you so much.

Ms. BROWN of Florida. God bless you, SAM, and God bless America.

Mr. RAHALL. Mr. Speaker, it is with great honor today that I rise today to pay tribute to our colleague, SAM GIBBONS of Florida. For 33 years, SAM has stood proudly as a Member of the House of Representatives representing the 11th district of Florida and he will be missed by all for his integrity and dedication to the people of Tampa and to this institution, the U.S. House of Representatives.

Mr. Speaker, although every American has a different definition of an hero, I think that most Members of the House would agree with me that SAM GIBBONS has qualities that would qualify him as a great American hero to each and every American.

To some, a hero is defined as a military man who distinguishes himself in battle. As a young captain in 1944, SAM was with 12,000 members of the 101st Airborne who parachuted into German-occupied France, providing key support for the invasion at Normandy on D-day which earned him the Bronze Star.

To some, a hero is someone who has established himself as a leader of men. And if his military service is not enough to prove this, his career in the House of Representatives

and Florida Legislature has. As a young member of the then Education and Labor Committee, SAM GIBBONS was chosen to floor manage the Great Society legislation, including the Head Start Program, for President Johnson. Almost 30 years later, as chairman of the House Ways and Means Committee, he was able to muster enough support for a health bill that no one thought was ever possible.

To others, being a hero means standing up for what you believe in, no matter what the odds are against you. In my years of Congress, I have not witnessed SAM compromise his views or do something in which he did not believe. His powerful voice resonating in support of the elderly, the children, and veterans will always be heard in the hallways of the U.S. Capitol.

And to others, being a hero, means being a good husband and father. For almost 50 years, SAM has been married to Martha Hanley and they have three sons who have married and have blessed SAM and Martha with five grandchildren.

Mr. Speaker, I close by wishing the best for a great American hero, SAM GIBBONS, as he and his family embark on new endeavors together. SAM has been a great friend to me during my tenure in the House of Representatives and I will miss him greatly.

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to SAM GIBBONS who is retiring from Congress at the end of this year. SAM GIBBONS has served the people of Florida for over 50 years, including 34 in the U.S. House of Representatives representing the 11th Congressional District of Florida.

A patriot and dedicated public servant, Mr. GIBBONS was an officer in the U.S. Army force that liberated France and brought about the end of World War II. He parachuted behind enemy lines during Operation Overlord, the Allied invasion of Normandy on D-day. For his bravery in the service he was honored with the Bronze Star. The young SAM GIBBONS found in military service not only a pride in serving his country, but a philosophy to end war through economic pragmatism. Energized against war from his combat experience, he came to believe that countries which trade together would not fight each other. It was this interest in the benefits of an open, global economy that subsequently guided SAM GIBBONS as a champion of free and fair trade during his congressional career.

SAM GIBBONS has constantly worked to meet the needs of his constituents and improve the lives of Americans during his legislative career. While serving in the Florida legislature, he championed historic legislation that created the University of South Florida and enacted legislation to establish Florida's regional water management districts. SAM GIBBONS was an early advocate of urban-renewal and drafted Florida's first successful urban-renewal initiative.

In the U.S. Congress, he crafted legislation to allow Americans over the age of 55 to protect from taxation capital gains earned from the sale of their primary homes. SAM GIBBONS was personally selected by President Johnson as House floor manager of the Great Society legislation, and he successfully navigated the anti-poverty initiatives—which included Head Start—through Congress.

In 1994, SAM GIBBONS became chairman of the House Ways and Means Committee and worked diligently to enact President Clinton's health care reform plan. In the course of this struggle, SAM demonstrated his ability to run the committee in a collegial and competent manner. During the 104th Congress, as the ranking Democrat on the House Ways and Means Committee, SAM GIBBONS was an influential leader of the House Democrats in defending Medicare and other important programs.

I urge my colleagues to join with me in honoring SAM GIBBONS as a true public servant. This institution will be diminished by his departure. However, we are enriched by the legacy he will leave. His career is truly a model of public service to be emulated by Members of Congress for years to come. We wish him the best in his future endeavors.

Mrs. KENNELLY. Mr. Speaker, I am pleased to join with my colleagues tonight to pay tribute to a great Congressman and a good friend, SAM GIBBONS. Many of us have heard SAM tell about the night he parachuted into Normandy with the 101st Airborne. That story typifies SAM and the quality has colleagues have come to value most in him: his courage. In the hedgerows of Normandy or on the House floor, SAM is willing to stand and fight for what he believes.

Throughout his career, on issue after issue, SAM has shown tremendous fortitude. He has never backed down from the principles and values he believes in.

As a World War II veteran and a student of its history, SAM came to understand the critical role of international trade in promoting not only economic well-being but long-lasting peace. He has worked for that vision of peace and plenty throughout his career. As chairman of the Ways and Means Subcommittee on Trade, he has worked tirelessly—and successfully—to bring about a fair, open, and free world trade regime. From the Caribbean Basin Initiative to GATT, from customs modernization to a whole range of bilateral agreements, SAM has been in the forefront of every issue. In my own State of Connecticut, where the healthiest part of our economy is the segment that is involved in international trade, there are any number of people and companies whose economic well-being is directly tied to SAM'S efforts. And that same story is being repeated around the country.

But I would like to conclude by offering SAM a word of thanks from another group—the Democrats who served with him on Ways and Means. He took over as chairman under difficult circumstances, and became ranking member under circumstances even more difficult. But he led us when we were in the majority, and he kept us on track when we were in the minority. His dedication to our party's principles, his commitment to fair treatment for all Americans, and his confidence about America's economic future have inspired us. On behalf of my colleagues in the committee, I would like to thank SAM GIBBONS for all he has done—for us, for this institution, and for his country.

Mrs. COLLINS of Illinois. Mr. Speaker, it is with deep respect and admiration that I rise today to pay the highest tribute to my longtime colleague and friend, Representative SAM GIBBONS of the 11th Congressional District of Florida. On this day to celebrate one of America's true military and political heroes, it is only proper that we take time to reflect upon Representative GIBBONS' dedicated service to his district, his State, and his country.

Looking over his record, of 17 terms, you have to be impressed with not only his successes but also with his battles. A listing of Representative GIBBONS experience and accomplishments is long and impressive, but I will not try to list them all, we'd be here too long.

It is well known that he parachuted into German-occupied Normandy in World War II on the night before D-day. He won the Bronze Star for his service in that major military campaign. Representative GIBBONS has long credited his experiences as a captain in the 501st Parachute Infantry/101st Airborne Division with shaping his fundamental beliefs that have guided him in his public service first in the Florida State Legislature and then in the United States Congress.

Representative GIBBONS' service in Congress has not been quite as hazardous as parachuting into Normandy, even though he would probably agree that there have been several equally long nights preparing for and fighting battles here in the House of Representatives.

Those of us who have served with him in the House of Representatives, and those of us who have had the honor of working with him to craft legislation and compromise, we know SAM GIBBONS as a man of understated wisdom, dedication, integrity, professionalism, and humility.

Since in the mid-1960's when President Lyndon Johnson tapped Representative GIBBONS to be the floor manager for the President's Great Society program, Representative GIBBONS, a son of the South, could talk about the needs of the vulnerable in our society for early education and early child development programs like Head Start. He has demonstrated that a Member with deep convictions, and from the deep South, could be for voting rights and still be re-elected, over and over again.

Representative GIBBONS has a reputation as being a defender of free trade, believing strongly that countries and communities that trade with each other don't fight each other. Some have even called him one of the founders of GATT, the General Agreement on Tariffs and Trade, and it cannot be disputed that Representative GIBBONS provided zealous leadership in the negotiations for the development of the GATT.

I had the pleasure of working closely with Representative GIBBONS when he chaired the Ways and Means Committee, and we worked together to craft the Democratic health care reform legislation in the 103d Congress. Representative GIBBONS continues to lead the way toward responsible social and fiscal policy as ranking minority member of the House Ways and Means Committee in this 104th Congress.

Representative GIBBONS represents a district in Florida that some believe is bounded by Disney World and the Gulf of Mexico. That is only partly true. Hailing from southern Hillsborough County, FL, Representative GIBBONS' district is as diverse as America itself.

Representative GIBBONS has a well deserved reputation for creating dialog among parties as diverse as students, shipbuilder, cigar industry workers, and the phosphate mining companies. Large retirement communities call on Representative GIBBONS to be ever vigilant in his shepherding of the Medicare and other social programs.

Mr. Speaker, Representative SAM GIBBONS is truly a representative of his constituents,

often leading where needed. I have been and am proud to serve with him and am pleased to offer my voice to honor him on this day.

Mrs. THURMAN. Mr. Speaker, today, we are coming to the floor to honor one of the true giants of the House of Representatives, SAM GIBBONS of Florida.

Mr. Speaker, our society often laments the shortage of heroes and positive role models for young people in America.

You don't need to look further than SAM GIBBONS to find both.

For more than 44 years, SAM GIBBONS has sacrificed for his country and represented his fellow citizens honestly and faithfully on both the State and Federal level. He has played an important role in some of the most significant events of the century, from the D-day invasion to the creation of Medicare and Head Start.

Mr. Speaker, the accomplishments of SAM GIBBONS are the accomplishments of America. SAM went about doing great things with very little fanfare, and a large dose of humility. Every American living today and those not yet born will live longer, healthier, and more productive lives because of the quiet excellence of Congressman SAM GIBBONS.

Mr. Speaker, SAM GIBBONS established himself as a leader early in life.

More than 50 years ago, SAM GIBBONS was a skinny 24-year-old captain in the 501st Parachute Infantry.

In the dark, pre-dawn hours of June 6, SAM began the long and treacherous campaign to wrest control of Europe from Hitler's iron grasp by parachuting through thick machine gun fire and behind German lines near Normandy, France.

Realizing he was alone and miles from his planned drop point, SAM nonetheless quickly determined his position, picked up other Americans along the way and carried out his mission to capture French towns and prevent reinforcements from reaching German troops battling the allied invasion at Normandy.

Mr. Speaker, SAM GIBBONS helped D-day succeed by carrying out his mission. For his bravery and valor, he was awarded the Bronze Star.

SAM's career in public service began with his election to the Florida House of Representatives in 1952. While there, he passed landmark legislation creating the University of South Florida. In 1958, he was elected to the Florida Senate and enacted the law to establish Florida's regional water management districts.

Soon after coming to Congress in 1962, SAM played a pivotal role in the passage of landmark social legislation. President Lyndon Johnson appointed the junior Congressman as floor manager for much of his Great Society program, including Head Start, still recognized as one of the most successful and cost-effective programs of the Federal Government.

Just like in World War II, SAM GIBBONS was in the trenches fighting for the passage of Medicare and Medicaid, because he understood the fundamental fairness and need to maintain a minimum level of health care for every American.

And when the Republican leadership tried to significantly weaken Medicare by cutting $270 billion, SAM GIBBONS didn't just roll over, he shouted so that all of America could hear. He told the truth about what deep cuts to the program would do. He woke up Americans with the facts and they started calling their Representatives. SAM GIBBONS made people understand that the fight over Medicare was not an academic one, it involved the future of the program 37 million people and their families depend on and care deeply about. The Republican cuts to Medicare didn't go through, and SAM GIBBONS was a big reason why.

Mr. Speaker, I was deeply saddened when I heard that SAM GIBBONS had decided to retire from Congress. He is my friend, my teacher and a man with so much more to give to this institution. But I know that life goes on, and for SAM, there will be many new challenges and adventures ahead. To SAM and his wonderful wife, Martha, who will celebrate their 50th wedding anniversary this year, I offer my heartfelt wishes for continued happiness and success.

SAM, the House just won't be the same place without you.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to honor an outstanding public servant and good friend, Congressman SAM GIBBONS. I was saddened to hear of his retirement; however, after such an illustrious career, his legacy will live on in this Chamber.

He answered his country's call to service both at home and abroad. At a tender age, he joined the U.S. Army and served with distinction during World War II. For 5 years, he fought courageously against tyranny with the 501st Parachute Infantry/101st Airborne Division. As part of the initial assault landing force on D-day, SAM parachuted onto Normandy beach. He earned a Bronze Star for his bravery on that historic day.

Shortly after the war, he entered State politics and was instrumental in establishing the University of South Florida. On November 6, 1962, the people of Florida's 11th District elected SAM GIBBONS to the U.S. House of Representatives. Since the 88th Congress, he has been an advocate of free trade and a friend to children, seniors, and the disadvantaged.

I served with him from 1965 to 1977, and together we joined in the great achievements of this era such as the creation of Head Start and the enactment of Medicare. Although he served a pivotal role in passing sweeping legislation back then, perhaps his greatest fight was in the 104th Congress. His powerful speeches in defense of programs for the elderly and children exemplified his ardent commitment to those who are powerless in our society.

I will never forget SAM's fiery contributions to the debate on my welfare substitute last March. He fought tirelessly during the heated discussion. His presence on the floor helped gain control as the issue generated passionate remarks from both sides of the aisle. Although the substitute failed, I will always appreciate SAM's support. The record will show his undying compassion for America's children.

Yes, this Chamber will miss SAM GIBBONS, but his retirement is well deserved. From the beaches of Normandy to the U.S. Congress, he dedicated a virtual lifetime to making this country a better place. He has gained my respect and admiration. For his accomplishments and devotion, he will be remembered as the essence of a public servant. My best wishes to you and your family, SAM.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentlelady from Florida, Representative CORRINE BROWN, and members of the Florida congressional delegation, for hosting today's special order. We are privileged to join him in paying tribute to SAM GIBBONS, the dean of their delegation and our good friend and mentor.

Once in a great while, we in the House of Representatives witness the loss of an institution within this institution. Today represents such an occasion. For 34 years, SAM GIBBONS has served in the Halls of Congress. Throughout his tenure, he has been a passionate advocate for the citizens of our Nation. Indeed, he has represented the Eleventh Congressional District of Florida with the highest level of integrity and commitment. As one of the longest-serving Members of Congress, SAM GIBBONS is a shining example of public service at its very best. I am proud to join my colleagues in reflecting upon his remarkable career.

Mr. Speaker, SAM GIBBONS began his political rise with his election to the Florida House of Representatives in 1952. Four years later, in 1958, he was elected to the Florida Senate. The highlight of his political career came in 1962 when Florida residents selected SAM GIBBONS to represent their interests in the Halls of Congress. It was an outstanding choice for the State of Florida and the Nation.

Mr. Speaker, SAM GIBBONS brought to the U.S. Congress the drive and determination to represent citizens who are often voiceless in the legislative deliberations. In the mid-1960's, while still only a junior Congressman, President Lyndon Johnson appointed SAM GIBBONS as floor manager for much of his Great Society program. SAM GIBBONS successfully navigated the antipoverty package, which included the Head Start Program, through the Congress. He has also been a staunch supporter of pension reform, and he has played a pivotal role throughout his congressional career in shaping the Nation's tax laws.

Mr. Speaker, SAM GIBBONS has served with distinction as a ranking member of the House Ways and Means Committee and the Joint Committee on Taxation. For 13 years, he served as chairman of the Ways and Means Subcommittee on Trade. In this position, SAM has advocated his position on open markets and fair trade. SAM GIBBONS also guides the 23-member Florida congressional delegation where his political insight and legislative skills have earned him the respect and admiration of his colleagues.

Mr. Speaker, we will miss SAM GIBBONS when he departs the Congress at the end of this legislative session. However, he has created a legacy of outstanding public service that will stand for many years to come. I extend my good wishes to SAM, his lovely wife of 49 years, Martha, and members of the Gibbons family. We congratulate our good friend, SAM GIBBONS, and we wish him many, many years of happiness and good health.

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to the gentleman from Florida, Mr. SAM GIBBONS, who has distinguished himself over the past 34 years in the House of Representatives through outstanding service to the people of the United States.

Mr. GIBBONS is a World War II hero who parachuted into Normandy on D-day as part of the 101st Airborne. After serving his country in the war, he began his political career while practicing law.

Mr. GIBBONS entered the Florida State House in 1952; 6 years later, he was elected to the State senate. For the past 34 years, he

had admirably served in the House of Representatives for the Tampa area.

Mr. GIBBONS' legislative successes include floor-managing President Lyndon Johnson's antipoverty package, which contained Head Start and other programs.

Throughout his years in public service, SAM GIBBONS has been an unwavering advocate for the least fortunate in our society. He has admirably remained true to his values and principles even in the face of sharp opposition and criticism.

On behalf of the citizens of Wisconsin's ninth district, we thank Mr. SAM GIBBONS for his outstanding service.

Mr. FROST. Mr. Speaker, it was with great regret that I learned of the retirement of Representative SAM GIBBONS. One of our most esteemed Members, and the dean of the Florida delegation, SAM GIBBONS has decided to retire after spending 34 years working on behalf of America's families.

As a young man, SAM GIBBONS won the Bronze Star for parachuting into Normandy during World War II. After the war, he became a lawyer and served in both the Florida State House and Senate before being elected to Congress.

During his tenure in Congress, SAM GIBBONS has worked to enact meaningful legislation concerning Medicare, Medicaid, pension reform, and trade. In fact, SAM GIBBONS was the floor manager during the 1960's for President Johnson's antipoverty package, which created Head Start and the Job Corps among other programs.

In addition, as chairman of the Ways and Means Committee in 1994, SAM guided a new world trade pact, the General Agreement on Tariffs and Trade, through House passage.

It has been an honor and a privilege to serve in the House with Representative GIBBONS. Clearly, SAM's hard work and dedication to public service have improved the lives of all Americans, and he will be sorely missed. I wish him well in his retirement.

Mr. BILIRAKIS. Mr. Speaker, today I would like to pay tribute to a man who is a living symbol of what is good about this country. Next January, Congress will lose a fine man and a true fighter who has spent his entire life serving his country in one capacity or another. I want to join my colleagues in wishing Congressman SAM GIBBONS the best of luck.

Congressman GIBBONS recently announced that he will not seek reelection to another term in Congress. While he will be missed by many Members, he has left an indelible mark on the Congress and his own personal imprint on the history of our country.

SAM GIBBONS began his service to his country long before he entered public life and the political arena. In 1944, He parachuted behind German lines into Normandy as part of the Allied Forces that led the United States to victory in World War II. He was awarded a bronze star for his service.

In 1953, he was elected to the Florida House of Representatives, serving in that capacity for 6 years. As a State representative, he helped bring the University of South Florida, one of the finest institutions of higher learning in our State, to his Tampa District. He was elected to the State Senate in 1959.

He began walking the halls of Congress in 1963 and immediately established himself as a prominent voice fighting for the interests of his constituents.

He also played an instrumental role in securing Federal money for the building of the sunshine skyway bridge—one of the true architectural marvels in our beautiful State.

Mr. Speaker, having known SAM for many years, I can tell you that he is genuinely concerned for the welfare of his constituents. While we have often not agreed about certain issues, I have always known that SAM deeply cares about the people he represents—and I respect him for that.

I would like to join my colleagues in congratulating him on his outstanding service to his country and wish him the best of luck in all of his future endeavors.

Mr. DINGELL. Mr. Speaker, in the last 18 months, Democrats like SAM GIBBONS and myself have found our voices in taking on the reactionary and extremist behavior we have seen coming to the fore in this institution. Some may think SAM is retiring at a time when his voice is vital to the rejuvenation of our party. Let me tell you a little bit about the history SAM GIBBONS has created during his tenure as a Florida Congressman.

Since 1965, SAM GIBBONS has been a tireless advocate for the Nation's elderly. We both voted for Medicare during its inception in 1965 and have continued to fight for its funding especially today when the Republicans want to cut it to fund their wealthy tax break. I remember when SAM was floor manager during Lyndon Johnson's Great Society legislation which included programs like Head Start and the Job Corps.

As the chairman and now ranking member on the House Ways and Means Committee I had the honor of working closely with SAM as his committee oversaw the Medicare trust fund and Commerce oversaw Medicaid and part of Medicare.

I have watched SAM GIBBONS grow from a Florida freshman to a virtual institution and a recognized leader in his party. This Congress will not be the same without you. It will have been 34 years since I last knew this institution without SAM GIBBONS and I am saddened to return to that time.

Mr. DELLUMS. Mr. Speaker, I rise today to honor SAM M. GIBBONS, a long-time friend. He is now retiring after serving in the House of Representatives for 34 years. He has served the Tampa Bay area well these many years, and his departure will sadden those of us who have served with him and those he has represented.

SAM has been a stalwart member of the Ways and Means Committee since 1969, and he served as chair of the Subcommittee on Trade from 1981 through 1994. In that role, he championed open markets and free and fair trade around the globe, and his accomplishments have been hailed both on the international and the domestic fronts. He became ranking minority member in 1994 and showed the Republican majority that he was not afraid to stand up to them.

The work done by SAM on the domestic front is close to my own heart. SAM helped to guide President Lyndon Johnson's antipoverty package through Congress in the mid-1960's, and is largely responsible for the Head Start Program, which has nurtured young children from poor backgrounds in preparation for school ever since. This is one of the major accomplishments of the war against poverty.

His social conscience will leave a great legacy for years to come. SAM bravely supported the Voting Rights Act of 1965, helping to dismantle the artificial barriers that kept African-Americans from exercising their constitutional right to vote. He not only supported, but enhanced the anti-apartheid bill that helped to end the apartheid regime of South Africa. He also cosponsored the civil rights restoration bill of 1990.

I have the utmost respect for SAM. I respect his insight into the complex problems of our day and his sound judgment. He is principled, fighting for both personal and party principles. He is feisty and tenacious in pursuing his goals. He would not tolerate distorted exaggerations of the truth, particularly about the state of the poor in America. I will miss him and his leadership. I wish him a most happy retirement.

Mr. MONTGOMERY. Mr. Speaker, I am pleased to take this time to honor Congressman SAM GIBBONS for his service to his State and his country. I want to congratulate him on his achievements as a Representative and on his decision to retire.

After his 17 terms in office, it goes without saying that he will be missed. I am sure most of you will agree that the House Ways and Means Committee will not be the same after he leaves.

Before becoming a Member of Congress, SAM had already proven himself to be a man of honor and courage. His life has been filled with moments that showed his true merit from parachuting into Normandy during D-day, where he earned the bronze star, to the 10 years of duty in the Florida Legislature.

It was due in large part to his work in the Florida Legislature that the University of South Florida was created, and it is why today he is known as ''The father of the University of South Florida.''

Which leads us to his 34 years of service here in the U.S. House of Congress. As a member of the Ways and Means Trade Subcommittee and the Joint Committee on Taxation, he has left his mark on many of the bills passed through Congress. It has been because of his tenacity that bills ranging from Project Head Start to international trade agreements have been moved from committee to law.

I want to reiterate what a pleasure it has been to know SAM and his wife, Martha, and their three sons, Clifford, Tim, and Mark. I have enjoyed serving with him over the years, and I especially enjoyed attending the 40th and 50th anniversary of D-day in Europe with him.

I wish him all the best in his retirement, but I have my suspicions that his face will not just disappear off the scene. He has too much experience in areas that are crucial to the running of this country. I am sure he will pop in now and again to keep the social issues he has worked so hard on headed in the right direction.

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to my retiring colleague and friend, the Honorable SAM GIBBONS of Florida.

SAM and I have served together on the Ways and Means Committee since 1993. Though I have only had the privilege of working closely with him for the last 3 of his 34 years in Congress, I have quickly come to value his hard work and dedication. The committee has benefited greatly from his years of experience working on behalf of economic growth and fairness for all Americans.

Even in the early days of his congressional career, Representative GIBBONS was a tireless champion of efforts to help the poorest among us. It was under his leadership and guidance that antipoverty initiatives such as Head Start were successfully steered through the House. In his more recent service as acting chairman of the Ways and Means Committee, he committed himself to efforts to ensure that all Americans would have good health care. In this, the 104th Congress, he has continued this long tradition of leadership as ranking member and leader of the Democrats on my committee.

I know that my Ways and Means colleagues and I will certainly miss SAM GIBBONS. His leadership, companionship, good humor, and fierce commitment to what he believes is right make him a valued ally whose presence will be sorely missed.

SAM GIBBONS, A LEGEND IN FLORIDA

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

Mr. MILLER of Florida. Mr. Speaker, after my colleague, the gentlewoman from Florida [Ms. BROWN], spoke and read passages from the Bible, I thought we should be in the great rotunda or something. We are here to praise SAM, not to bury SAM. SAM is going to be around for a lot longer, both here in this session of Congress but also, of course, I think here in Washington with family here, and also back in the Tampa area.

My congressional district in Florida adjoins SAM's. I was an undergraduate at the University of Florida when he first came here in 1962. You know about SAM. He is a legend in our area. When I first had the opportunity to come to Congress in 1992, I remember meeting SAM and he would introduce me. We would have Florida gatherings, and he would say, ''I am so glad that DAN MILLER now has Sun City, Florida.''

Sun City is an area that SAM actually helped develop as an area of large retirement communities in south Hillsborough County. They are very Republican oriented and they were not the Great Society Democrat supporters, so they are great for me as a Republican but they always gave you a lot of trouble, I know.

Ms. BROWN was giving us some of the great things that you accomplished, whether it is Head Start and Job Corps or NAFTA and GATT and such. People do not understand our area and some of the great contributions that you have made, and I think I need to bring it to the attention.

You made the contribution to allow golf carts to cross the State highway in Sun City. That is how people get around, is driving golf carts. Instead of having two cars in every garage, you have one car and one golf cart, and it was against the law to have golf carts across the highway until SAM GIBBONS got involved. I do not think that rates in the category of Head Start, but it is something that you have been helping with the community and the area for a long, long time.

SAM and I do not necessarily agree on all the issues. We have a lot of things we do agree on, and I do respect SAM for believing in an issue and he stands for it. I can tell you two issues in the past couple of years that had strong bipartisan support, and very controversial issues, that SAM was willing to stand up and talk about it and take a stand regardless of what anyone else said within his party or such.

One is NAFTA and GATT. The Florida delegation, 23 strong, we held back, 22 of us, on doing anything on NAFTA and GATT. SAM was right out front all along, saying NAFTA is an important issue for world trade and for our growing economy in this world economy of ours, so he was a leader on that. He did not care that it was not that popular in some areas of Florida, but SAM was willing to stand up and debate that issue.

Another issue, one recently that I was involved in, was the issue of sugar. Sugar is a powerful factor in the State of Florida and a powerful influence. I, along with CHUCK SCHUMER on the Democratic side, led the drive to do away with the sugar program, very controversial. SAM was the only Democrat to stand up and speak on the floor of the House for that particular piece of legislation. We only had half of the Republicans support the legislation, but SAM was willing to stand up there and take a stand.

Last week we had a hearing in Ways and Means talking about a tomato issue and 22 of us signed a letter, but SAM felt strong enough on the issue to say that ''I am not going to sign just because all of you all signed it.'' The point was his basic philosophy on trade and trade issues. I respect and admire SAM for taking that stand.

I also thank SAM for, as a newcomer coming to Washington and never involved in politics, how you and Martha were always so nice to us. We shared a lot of flights to and from Tampa. Your wife has been nice to my wife Glenda, and you have been to me.

And here as a chairman of the Committee on Ways and Means, and I was a lowly freshman Republican, you were always friendly and supportive and talkative in sharing your thoughts and ideas with me, and reminiscences. We will miss you. We will look forward to the next 4 months, and I am sure I will see a lot of you in the next years. Congratulations, SAM.

TRIBUTE TO SAM GIBBONS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Alabama [Mr. BEVILL] is recognized during morning business for 1 minute.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to my long-time friend and colleague, SAM GIBBONS of Florida.

I was sorry to hear that SAM has decided not to seek reelection in November. I had hoped that he would stay to continue giving our Nation the benefit of his wisdom and leadership.

But, after 34 years of outstanding service in the House of Representatives, SAM certainly deserves a well-earned retirement.

I want to thank SAM for being such a good friend to me over the years. I have certainly enjoyed working with him. And, I also want to thank him for his service to our Nation and to the people of Florida.

SAM is a true hero in my book. His bravery during the D-day invasion of German-occupied France is legendary. One of 12,000 paratroopers who landed behind enemy lines, SAM was awarded the Bronze Star for his World War II service.

He is a dedicated patriot and a dedicated public servant. SAM GIBBONS cares about people and about improving their quality of life. He spearheaded the drive to pass Lyndon Johnson's antipoverty programs in 1965 and he has been a champion for the poor, the elderly and for children ever since.

As chairman of the House Ways and Means Committee in the 103d Congress and as its ranking Democrat in this Congress, SAM has played a key role on critical issues such as health care reform, Medicare, Medicaid, Social Security and free trade.

SAM has served this body with integrity and deep commitment. He has stayed true to his values and true to the American people.

SAM, I salute you as you approach the end of your congressional career. Your accomplishments are many. They will always be remembered and appreciated.

I wish you and your lovely wife, Martha, all the best in your future endeavors.

SERVICE WORTHY TO BE REMEMBERED

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

Mr. MICA. Mr. Speaker, I come to the floor to join my colleagues from Florida and also from across the United States to honor my colleague and my friend, SAM GIBBONS. I came here, too, just 3 short years ago from a different party, from a different philosophy, but I have known SAM GIBBONS for a number of years even before I was elected to this Congress, and I have always held him in the highest respect. So it is indeed a great honor for me to come before the House today to pay tribute to SAM GIBBONS.

Most people do not realize the difficulty of this job. As I said, I have only been here 3 years, and I served in the minority and I served in the majority, and you realize the burdens of responsibility coming and representing

the people of this great Nation and our great State and the tremendous personal sacrifice. Unless you have been there and done that, you just have no idea what it entails, the sacrifices for SAM personally, for Martha, his lovely wife, and for his family.

But I have been here for 3 years and I have seen that he has been here for three decades and he has done that. So he deserves our praise and the credit, the thanks of a State, the thanks of his colleagues and the thanks of his Nation in this short tribute to him.

Many people also see the conflict, and heaven knows we have had the conflict. SAM and I have gone at it on the floor here, and we both express our opinions and our viewpoints. But what is interesting, most people do not see, is that we come together. We come together for the State of Florida and for the country. That is the greatness of this institution, and certainly SAM does typify all those great traits and that coming together and that leadership.

So we have, my colleagues, today an opportunity to honor a distinguished leader for many years of service, not just here, in our State House in Florida and, as I said, three decades of dedication in this great body.

We have a distinguished veteran. He is a model for what made this country great in his service to his Nation, and we certainly owe him our debt of gratitude for his tremendous service as a veteran.

Then, the part I said that is so important about SAM is his distinguished character as a family person. I know his family and his wife, and he is indeed a distinguished family man, which is so important. When all the other trappings of office leave us, you still have your family. He has certainly been a great family man, a distinguished family man, which I think is so important.

So I join my other colleagues today in thanking him for his years of service, for caring about people. He is so sincere in his caring, not only for the people of Florida but for the entire country, and no matter where they came from or their persuasion or their standing in our society.

I often look up here behind me at the top of the podium, the very top of the House Chamber, and remember the words of Daniel Webster. I first looked at them when I came here. Dan Webster actually asked the question when he served here, and his comment was whether we also in our day and generation may not perform something to be worthy to be remembered.

Certainly, SAM, you have performed something worthy to be remembered, and you have served your generation and generations well. So I join my colleagues from the Florida delegation, from around the country, in saluting you today and thanking you for a job well done.

FAREWELL TO SAM GIBBONS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pureto Rico [Mr. ROMERO-BARCELÓ] is recognized during morning business for 1 minute.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I speak for the people of Puerto Rico in saying that we wish SAM GIBBONS the best of times following his retirement from the House of Representatives. After 34 years of devoting himself to the welfare of the people of Florida, his home State, and to the welfare of the American people, he more than deserves the opportunity to devote his time to himself and his family. I again speak for the people of Puerto Rico in saying that we also view his departure with a strong sense of personal loss. We have no voting representation in Congress, but we have always had the benefit of a few special friends who have shown great understanding in working to protect the interests of 3,700,000 disenfranchised U.S. citizens. SAM GIBBONS is one of these special friends.

SAM has honorably represented his home district in Congress since 1963, while never losing sight of the importance of being fair to the people of other districts. The intensity of his commitment to the principles of fairness and compassion for the disadvantaged and the deserving against all odds, can be summarized in one word—fearlessness.

More than 50 years ago SAM GIBBONS parachuted into Nazi-occupied France on the night before the Normandy invasion. Upon his entrance to Congress almost two decades later, he immediately began applying this same fearlessness to the defense of the disadvantaged of this country.

His early battles included floor managing President Johnson's anti-poverty programs, including Head Start, and supporting the Voting Rights Act of 1965. He has continued this fearless fight in recent years, cosponsoring the civil rights restoration bill of 1990 and fighting for health care reform and for legislation to aid the elderly. In his work as a senior member of the Ways and Means Committee he has also fought for the equal participation of the people of Puerto Rico in Federal programs and has stood against legislation which would harm the disadvantaged.

Sam has also been a strong advocate of politics aimed at creating peace and security for our country and for the rest of the world. He is well known for his view that a "world bound together by the ties of trade is a world strongly inclined toward economic growth and peace." As chairman of the Subcommittee on Trade he has successfully guided through the House such important and controversial trade legislation as the North American Free Trade Agreement, the General Agreement on Tariffs and Trade and the Caribbean Basin Initiative. This last initiative has been particularly important to the development of the economies of several countries and the security and regional integration of the Caribbean Basin.

It is a loss to the Nation and particularly to the people of Puerto Rico to have a man of such compassion and fearless idealism leave this institution. With gratitude for all he has done, I speak for the people of Puerto Rico in wishing him and his family the best in his retirement years and the recognition he so definitely deserves.

SAM GIBBONS, A REAL HERO

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

Mr. HOUGHTON. Mr. Speaker, I hope I am not going to bend too many rules by referring to this distinguished gentleman over here, and SAM, I am not going to say anything unusual. You have heard it, but I want to reiterate it because it means something to me.

After 50 years of public service you are stepping down, and that is pretty unusual. You are a real hero in anyone's mind, and I suppose no one can replace any one of us as individuals but you are somebody very special.

Let me go back to this World War II experience which many people have referred to. I was in World War II, but I am not a hero like SAM is. The concept of dropping 15 miles behind the enemy lines in Utah Beach, 2:30 in the morning on January 6, to wipe out the enemy, to make it safer for those boys to come in on the beach, is really an act of heroism.

And that is not all. SAM went then on to Holland and, as many of you know, remember the story ''A Bridge Too Far'' and the Rhine campaign, and then there was the Battle of Bastogne and the Battle of the Bulge, and then, ultimately, the final attach on Berlin. You were there. As somebody who was associated with you, but in a different part of the war, I will always be grateful for that, SAM.

So, what do you say about somebody who leads a group, there are less than 25 in this House Chamber now that served in World War II, and will be going on to other things and will not be here to give his wisdom? It is going to be a different place.

I mean, every one thing leads to another thing. In talking to SAM'S son, Cliff, a terrific young guy, he was saying, ''One of the things that differentiates my father from many other people is that that experience in World War II carried on to everything he did in life.''

There were two particular areas when he came to Congress. One was the field of education, and you have heard a lot about Head Start. People could say, well, anybody could have started Head Start. They could not have. They did not. This is the man who did it. But you did not do it in a vacuum. You did it because of your feeling that if people can be educated and not beaten by the time they go to first grade, they could learn, they could understand the world in which they lived.

That was the whole genesis of the great service that SAM performed in

the Education and Labor Committee. SAM, I know I am talking about things that you know far better than I, but again they mean a great deal to me.

Then when you got on the Committee on Ways and Means, I understand it was not an easy task. I understand it came down to a couple of votes right here on the House floor, getting on Ways and Means. And then what you did as far as trade is concerned, I used to be in the glass business, and I remember coming down here as part of a group called the Labor-Industry Coalition for International Trade, and Senator Heinz and Senator BAUCUS and Senator ROTH and SAM GIBBONS were part. And I had a sense, and I was not looking at it from a political standpoint but I had a sense, here was a man who understood the essence of tried. Obviously that has been manifested with your support of GATT and NAFTA and things like that.

But again it was to try to relate the peoples of the world, whether it is through education or whether it is through the economy, so that they will understand each other, and there will not be a problem in terms of generating the real gulf of lack of understanding which obviously results in wars.

Now, you say you judge a man by his friends. I say you judge a man by his family. I know JOHN MICA has mentioned this, and you cannot take a look at SAM and his lovely wife Martha and Cliff and the other children—Martha and Cliff are the other members of the family that I know—without realizing that here is somebody who is not just a perception, he is a real, real person representing all those values which you and I think are important.

Now, there are going to be many people who are going to be going after your seat in Congress and there are going to be many people, SAM, who are going after your seat on the Committee on Ways and Means, and that is right and natural. But you know something, SAM's job, SAM's job is not up for grabs, and it never will be, because SAM'S job is where SAM is.

THANK YOU, SAM GIBBONS, FOR SHARING YOUR LIFE WITH US

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Florida [Mrs. MEEK] is recognized during morning business for 2 minutes.

Mrs. MEEK of Florida. Mr. Speaker, I want to think the gentlewoman from Florida [Ms. BROWN], my colleague, for having put this together. And I would like to say to this Congress and to the world, seldom will they have a chance to either serve or even know a man like SAM GIBBONS.

Mr. Speaker, it is an unusual occurrence to have someone like SAM and to have a man who is a hero and a legend in his own time. He is a legend and he has made Florida proud. He is not one with a lot of talk and fanfare about SAM GIBBONS. He does the job and history will replicate and document that SAM GIBBONS was a hero.

He spent 50 years since he was in World War II. He has a memory that is replete with all of these memories and all of these facts and all of the tax laws and he helped to make them. He helped to bring about some of our most famous educational programs. But he is a son of Florida, both in uniform and out.

Mr. Speaker, the gentleman from Florida is serving his 17th term in the Congress and I am so pleased that I had a chance to serve with you, SAM, and to learn about your wonderful family. And I was most proud of you, SAM, when the President designated you as his personal representative.

This is the first time I have been to this floor talking about SAM GIBBONS. I could come back every day of the year and I would say something new every time about SAM GIBBONS. I saw him on television as he attended the ceremonies in Normandy last year and how he stood upright and how he spoke forthrightly about his love for this country and for his love of democracy.

Mr. Speaker, what an outstanding job he has done for all of us as the ranking minority member of the Committee on Ways and Means and how he was the chairman of the Subcommittee on Trade. SAM knows trade like no one else in this country and he does not mind sharing that information with you.

He is recognized for domestic policy as well and it is sort of hard to capsulize you, SAM, because you are an enigma. You have it all. You have the political know-how. You have the love of the people. You have the love of the State. And, SAM, again and again, we pay tribute to you, a strong America, a good hero a power, a pioneer, and a man who knows it all.

Thank you very much, SAM, for having shared your life with us.

SAM GIBBONS: A LEADER ON TRADE ISSUES

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

Mr. CRANE. Mr. Speaker, at the close of the 104th Congress we will, with regret but with pride in having known him, bid goodbye to a valued friend and a dedicated Member of this Chamber, the Honorable SAM GIBBONS of Florida.

I have had the privilege of knowing the dean of the Florida delegation for more than 25 years and during most of that time we served together on the Ways and Means Committee. There he has served with the highest distinction, particularly as chairman of the Trade Subcommittee, a position which I now have the good fortune to hold, and later as chairman of this powerful committee with paramount jurisdiction over taxes, trade, welfare, Medicare, and Social Security.

However, I believe it is his commitment to free and fair trade for the United States which constitutes the greatest legacy of the honorable Member from Florida. He has guided numerous trade policy milestones through the sometimes contentious legislative process, including the historic passage of the United States-Israel Free Trade Agreement, the United States-Canada Free Trade Agreement, the subsequent North American Free Trade Agreement, and the Uruguay Round Multilateral Trade Agreements.

On both a bilateral and multilateral basis, he has worked tirelessly to expand markets and improve trade relationships all over the world. This includes not only our traditional trading partners, such as Canada, Mexico, Japan, and the European Union, but also the emerging economies of Eastern Europe, the former Soviet Union, and China.

It seems on the face of it such an impossible task. However, although the challenges were exceedingly difficult and the interests both at home and abroad were diverse, SAM's commitment to the philosophy of open, competitive markets and uniform trading rules provided the solid foundation for success after success. These successes meant the creation of more and more jobs and a higher standard of living throughout the world.

Mr. GIBBONS has traveled the world and talked frankly and openly with presidents, kings, dictators, and prime ministers. He also has traveled this country and talked to big business, small business, workers, and consumers—friend and foe alike. The results are his legacy—an economy that is the envy of the world, an expanding job market, and a primary role for the United States in international trade policy.

There are few instances when the welfare of the average American working family has been so directly and significantly affected by the dedicated leadership of one man. We can claim such an honor for SAM GIBBONS. His trade policy leadership, along with his contributions in the area of Medicare, Social Security, and tax reform, has touched the lives of so many, many Americans.

Jobs have been created and the quality of life has been lifted. He has improved the lives of the citizens of his congressional district, his State, and the Nation.

In the years to come, others must provide the caliber of leadership and commitment for which SAM GIBBONS has become so well known. Others will strive to achieve his high standards of integrity, dedication to family, and service to country in both peace and war. I believe SAM GIBBONS has provided a blueprint for a life of public service that will both attract and challenge a new generation of congressional leaders.

I look forward to my friend's continued contribution in private life; I will

forever cherish his friendship; and, I join my colleagues in extending the Honorable SAM GIBBONS my very best wishes for the future. God bless you, SAM.

SAM GIBBONS: TRULY AN AMERICAN HERO

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized during morning business for 2 minutes.

Ms. DELAURO. Mr. Speaker, I rise today to join my colleagues in honoring the gentleman from Florida, my dear friend, SAM GIBBONS. I would like to say thank you to the gentlewoman from Florida [Ms. BROWN] for organizing this tribute to a man who has served his country with distinction for over half a century.

SAM GIBBONS is truly an American hero. Most people know SAM for his work here in the House in steadfast defense of Medicare for our Nation's seniors. He understands what Medicare has meant in the lives of seniors. He understands what health insurance has meant to the seniors of this Nation. He has been inspiring in leading the charge in that important fight and I am proud to have served with SAM GIBBONS.

Yet, outstanding service to our Nation is nothing new to SAM. Mr. Speaker, 52 years ago this June SAM GIBBONS led the charge as American and Allied troops stormed the beaches in Normandy in Operation Overlord, the invasion that liberated Nazi-occupied France and marked the beginning of the end of World War II.

SAM won the Bronze Star for parachuting into France the night before the invasion. As President Clinton remarked during the 50th anniversary ceremony commemorating brave men like SAM, and I quote, ''What we must remember is that when they were young, these men saved the world.''

Throughout his 34 years of service to the American people in this House, SAM GIBBONS has worked long and hard to provide opportunity and progress for the American people. SAM was instrumental in the enactment of President Lyndon Johnson's Job Corps, Head Start, and other antipoverty initiatives.

As the former chairman and current ranking Democrat of the Committee on Ways and Means, SAM has long been a leader on pension reform, international trade, health care, welfare, and tax policies.

Again, to the gentlewoman from Florida [Ms. BROWN], I thank you for allowing me to participate in this tribute to this true American hero. The people's House, which is what this body is, will not be the same without SAM GIBBONS. We will miss his intelligence, his dignity, his indomitable will, his commitment to the people of this country, his love for a good fight, and his desire to make this place a better world, a better country for American men and women.

Mr. Speaker, I wish the gentleman from Florida the best fortune in his future endeavors.

A TRIBUTE TO SAM GIBBONS

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

Mr. STEARNS. Mr. Speaker, I also want to participate in this commemoration to our good colleague, SAM GIBBONS, and I want to thank the gentlewoman from Florida, MS. BROWN, my colleague, for setting aside this time to do this.

Mr. Speaker, it came as a surprise when SAM GIBBONS announced his plans to retire from Congress at the end of this year. SAM GIBBONS' name has become synonymous with Florida politics. He has represented the Tampa area for the past 44 years, first venturing into politics as a State representative and then the State senate. He was sworn into Congress during the Kennedy administration and for the past 34 years has represented Tampa in the House of Representatives.

When I first heard about SAM's plans to retire, I couldn't help but recall the 50th anniversary D-day invasion ceremonies that I had the privilege of attending and to which SAM GIBBONS was appointed as a special representative, by President Clinton.

It was indeed fitting that Mr. GIBBONS was specially designated as the President's representative. SAM has a long and distinguished career in service to his country. A decorated World War II veteran, he showed extreme bravery by parachuting into Normandy the night before D-day and then made his way behind enemy lines during the Normandy invasion.

After the war he returned to Florida and commenced his law practice. He then began a political career that spanned several decades.

Although we have not always agreed politically, I believe SAM has served his constituents well and has worked tirelessly as a champion on their behalf. SAM has long been considered a leader and supporter of free trade which he attributes to his experience during the war. SAM has often been heard to say: ''I believe fundamentally, people who trade together and work together do not fight.''

As a fellow Floridian, I can assure you, SAM, that you will be missed. Your spirit and energetic nature have set you apart and truly demonstrate your commitment and willingness to fight for your convictions.

Leaving can sometimes be difficult, but you leave knowing that you gave it all you've got and then some. Perhaps, now you will be able to find time for another great passion in life—arranging a tee time will now be a little easier. I wish you well in the future and I venture to say that whatever you do you will do with great passion and gusto.

SAM GIBBONS WROTE THE RULES FOR THE COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. STARK] is recognized during morning business for 2 minutes.

Mr. STARK. Mr. Speaker, it is a joy to get a chance to speak to SAM when he has to sit and listen to us.

Mr. Speaker, I have worked with SAM my entire 22 years on the Committee on Ways and Means. It is interesting. SAM opposed expanding the Committee on Ways and Means when all of us new youngsters came on the committee. They had a nice little club and they really did not want to add to it.

But once the caucus worked its will and the Committee on Ways and Means learned about democracy and expanded its membership, SAM turned out to be the fairest of the titans on that committee for opening up and sharing the responsibility.

Mr. Speaker, he wrote the rules for that committee which stand today I think as a mark for other committees in its fairness and its openness. And many of us who worked with SAM for so long remember that. He could oppose you and he is not shy and he is willing to speak out. And unlike some of us, he does not need to learn more diplomacy and reticence because he has Martha, and Martha has been able to keep SAM mellow and happy when he has been fighting like hell for something that he believes in.

Mr. Speaker, SAM wrote the rules for the Committee on Ways and Means. He is an expert on trade. Then in the last Congress when we were attempting to pass welfare reform, SAM sat through every markup with our subcommittee, even though he was not on that committee, and when the bill came to full committee it was the expertise not only from his experience as he had been with Medicare from the time he voted for it as an original bill but from all the service on the Committee on Ways and Means he was able to help us pull together that coalition that was able to present to the American public a health care bill that was fair, did not increase the deficit, and opened up health coverage to every American.

I hope, SAM that he can provide that for you in your retirement and you can come back and share with us when under the leadership that you set, and the goal you set for us with the President, we will accomplish that.

God bless you, SAM. We will miss you.

SAM GIBBONS: AN IDEAL CITIZEN

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr.

GONZALEZ] is recognized during morning businesses for 2 minutes.

Mr. GONZALEZ. Mr. Speaker, this is a tremendously mixed emotional feeling for me.

SAM GIBBONS is an ideal American: He is absolutely honest; he is courageous in every sense of the word; he cares about his fellow human beings; and he is a public servant of the highest integrity, the deepest commitment, and the most dogged determination. SAM GIBBONS is everything that anyone could ever hope to see in a friend, a neighbor, a soldier and an elected representative. SAM is the kind of man you are grateful to know and happy to serve with. If you had the ability to pick and choose who you would have for a friend and colleague. SAM would always be first on the list.

Others have or will speak about SAM's history as a D-day paratrooper, and of the details of his long and distinguished career. But I want simply to say that SAM is a decent man, the kind we all look up to, and the kind we always wish we could be.

One thing about SAM GIBBONS: He fights for what he believes in and for what he knows is right. He is not afraid to challenge the kind of arbitrary and frankly brutal behavior of the current majority in this House; nor does he shade the truth when it comes to the tough issues we face. He's old-fashioned in that regard: A gentleman whenever he can be, and a fighter if he has to be.

SAM is one we can always count on to be fair, and to be square with us. His word is never open to question: When he makes a commitment, he means it and he stays with it.

I've not always agreed with the actions of the Committee on Ways and Means—who does? But one thing I have always known is that if SAM says that a bill or a provision is good, you can trust his judgment. And if SAM says that he can't help you or can't agree with you, he'll give you a reason that you can both understand and respect. That's the kind of friend and colleague this House depends on. And that's the kind of person every American should want to represent them in the House.

Not many people have had a life as filled with adventure and challenge as SAM has. And very few who have had such distinguished lives and careers are as modest and self-effacing as SAM is. It's a measure of his greatness, that he maintains—and always has maintained—a sense of balance and proportion. SAM knows what really counts, and he doesn't forget it.

The House of Representatives has been enriched and enlivened by SAM GIBBONS. He has brought us life and light. He's been a friend to many, many people, and a model for all of us. I've known thousands of Members in my career here, and none has been more respected than SAM GIBBONS. He is a great representative for his district and for the whole country. When he leaves, the House will be diminished. I'm glad to have known him, privileged to have served with him, and happy to join in this well-deserved tribute. Thank you, SAM, for being an ideal American, a great friend, and an outstanding colleague.

SAM GIBBONS WILL BE MISSED DEEPLY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. LEVIN] is recognized during morning business for 2 minutes.

Mr. LEVIN. Mr. Speaker, I first came really to know SAM GIBBONS and his wife, Martha, on what is now a rather famous bus trip to Eastern Europe. I think I was just a freshman then; not on the Committee on Ways and Means. SAM was good enough to invite me.

No junket was that. We worked 12 hours, sometimes 14 hours a day. We went to Czechoslovakia, to Romania, Bulgaria, Hungary, and we went to most of those places by bus. Mr. Speaker, I saw firsthand what SAM GIBBONS was really like. Hard working, down to earth, good natured, generous. He made sure that each of us had a crack at introducing the delegation to the distinguished, and not so distinguished in some cases, leaders of those countries.

Then, Mr. Speaker, I joined the Committee on Ways and Means and since then I have had a chance to work firsthand with SAM GIBBONS, to work on trade. He and I have not always agreed, but one thing all of us agree on and that is the caliber of leadership and commitment of SAM GIBBONS.

He has been compared to some other famous people. Claude Pepper, for example, another favorite son of Florida. But I do not think you can compare SAM with anyone. He is very much his own person. He is very much a real article.

SAM, you care so much, you have such a sense of commitment. So, I am not sure why you are leaving. I think maybe it is because his main passion is not for power; it is for public service. I think there is some hint that SAM is going to remain very much a public figure.

I close with this, SAM. I think with your streak of modesty you do not really know how much you are going to be missed. The answer is, very deeply.

SAM GIBBONS: A LIFE OF EXTRAORDINARY SUCCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Virginia [Mr. PAYNE] is recognized during morning business for 2 minutes.

Mr. PAYNE of Virginia. Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Virginia [Mr. PAYNE] for yielding, and since he only has 2 minutes I will not take much of this time except to join my colleagues in commending SAM GIBBONS, a great leader in the Congress of the United States; a leader on the issues; and, a gentleman at all times.

Mr. PAYNE of Virginia. Mr. Speaker, I want to thank my colleague from Florida, Ms. BROWN, for requesting this special order to honor our good friend and colleague, Chairman SAM GIBBONS.

Many years ago, Teddy Roosevelt compared success in life to success in football. The key to success in both, he said, is to hit the line hard day after day.

Those of us who have served with SAM GIBBONS know that by this or any other measure, he has been an extraordinary success.

For his entire adult life, SAM GIBBONS has served this nation with courage and tenacity. From the day more than a half-century ago when he took part in the D-day invasion, to his passionate defense in this Congress of the millions of Americans who depend on Medicare, SAM GIBBONS has always put his Nation first.

I first came to know SAM well through my service on the House Ways and Means Committee. I remember the very difficult circumstances under which he assumed the chair. SAM took over the committee without a hitch. His approach was inclusive and thoughtful and was marked by a great sense of bipartisanship.

Chairman GIBBONS will always be remembered for his passionate defense of the nation's senior citizens and poor, for his tireless work on behalf of free and open trade, and for his advocacy of a fair, and equitable, and economically efficient Tax Code.

SAM GIBBONS is the consummate southern gentleman, and I am proud to call him my friend.

Mr. Speaker, as SAM and Martha enter this new phase of their lives, I know the whole House of Representatives joins me in wishing him well.

A TRIBUTE TO SAM GIBBONS, A FRIEND OF THE VIRGIN ISLANDS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from the Virgin Islands [Mr. FRAZER] is recognized during morning business for 1 minute.

Mr. FRAZER. Mr. Speaker, I would like to add my voice to my colleagues who have recognized, as many of us feel, the untimely departure of Mr. GIBBONS, but I am sure he is moving on to bigger and better things.

As a representative of the Virgin Islands, where we have no vote in this body, I would like to recognize the assistance that Mr. GIBBONS has given the Virgin Islands. As those issues that affect the Virgin Islands have come before his committee, I have always been able to go to him and ask him to make sure that he looks out for American citizens who happen to reside in the Virgin Islands, but in fact have no real voice in this institution.

So, Mr. GIBBONS, I thank you for the assistance that you have offered the

people of the Virgin Islands, the friendship you have shown me over the years, and I wish you well in your new adventure. I am sure that many of us are going to wish that there were times when you were here that we can come to you for counsel, but perhaps you will leave a phone number where you can be reached.

Again, thank you for the help and assistance and recognition of the people in the islands and their position of almost helplessness. You have taken it on on our behalf. God bless you for that assistance, and God speed in your new adventure.

LOSING THE NO. 1 MEMBER OF THE COMMITTEE ON WAYS AND MEANS

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

Mr. RANGEL. Mr. Speaker, in the RECORD, I guess my remarks will appear last for my dear friend, SAM, who decided to leave the Congress and to leave the Committee on Ways and Means. Politically and legislatively that puts me as the No. 1 Democrat. But, quite frankly, we are losing the No. 1 Committee on Ways and Means member, a person that served with Wilbur Mills, a person that has been on the committee since 1969 even though he came to the Congress in 1962, one that no one challenges has done more to promote U.S. trade with NAFTA and with GATT as well as being the lead person with President Johnson on social issues.

We are going to miss SAM because he is the only one on the committee that had a sense of institutional memory. And I know one thing, I feel a lot more strong knowing that SAM will be there with me in the next year whereby every possible poll and every moral reason, the Democrats will be in charge of this particular House.

So Mr. Speaker, we will make certain that the gentleman's leadership carries on in the House and try to reverse some of the setbacks that we have had in terms of legislation that gentleman has been promoting, and I regret that I am last, but I am glad that I got here in time.

□ 1315

PARTING REMARKS BY THE HONORABLE SAM GIBBONS

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

Mr. GIBBONS. Mr. Speaker, I appreciate this every much. First I want to thank my colleague, Ms. BROWN, for arranging this and her staff for doing all of this. I realize that many Members could not be here today and have submitted their remarks for the RECORD, for which I am most grateful. I am very grateful, too, for those who were able to show up today and pay me this honor. I am very proud that my wife, Martha, is here in the gallery to my left hearing all of this. I an overwhelmed by it. I do not deserve it all, but I darn sure appreciate every bit of it.

This is not my last speech, and for that many of you can take a deep breath, because I am sure there are going to be many more battles in which we will agree and disagree, and I intend to participate in them.

I retire now because I think it is time to do so. I have enjoyed every minute of the service I have been privileged to have for my constituents and for the American people.

I am proud of the Congress. Oftentimes the Congress is misunderstood. We do not deal with the easy issues, and Americans really do not like conflict and they do not like us to express differences of opinion. They are very uncomfortable when they do that. Therefore, the Congress is often misjudged.

This is a group of very dedicated people and vary skillful people, and people who have deep convictions about what they are doing. It takes a lot of patience to understand them and to tolerate the differences in views, but we must do that. That is democracy in action. That is what America is all about.

I have become acquainted with most of the other parliamentary bodies on Earth, and none has the responsibility or the power that is possessed by the Congress, and particularly by the House of Representatives of the Congress. That is a form of government that most other nations have looked at and have decided not to adopt, for one reason or another, but I think it has served our country well for all these years. It will always be a tremendous privilege to me to look back and say I was able to participate in all that deliberation and all that work.

Martha and I will go to a new career. I am not exactly sure what it is going to be. I hope to teach a little. I hope to practice law with my sons a little. I hope to come back up here and work with some of my colleagues and all of my colleagues on two particular issues that I am interested in. One is keeping the markets of the world open, because I believe that nations that trade with each other do not end up fighting each other, and I think it is good for America and good for the world that we keep the markets of the world open. I am proud of the small contributions I have made in that.

The other is to do something about our revenue system. America cannot afford the terrible revenue system that we now have. It is not that the tax burden is so high on Americans; it is the clumsy way in which we collect the taxes that really irritates the Americans.

Frankly, our misunderstood tax system extracts less on a per capita basis from our people than the tax systems of 25 other industrialized nations who inhabit this globe. But our very clumsy system of collecting taxes makes it a heavy burden for all of us to carry. That needs to be changed, because we cannot remain competitive, we cannot maintain our standard of living, unless we change our tax system, unless we keep our markets open, unless we educate our people, because from the brains and the bodies of our people comes the strength of our country and the standard of living which we all love to have and which is going to be more and more difficult to maintain.

So I get ready to leave here at the end of this term in a happy frame of mind and, fortunately, in good health, and very, very grateful for the friendships, for the experience, and for what I was allowed to do while here.

Martha and I love this place. We love the people. We love the staff and all those who work around here. Particularly we are grateful to those people who elected us year after year after year and allowed us to serve here.

Thank you, and God bless America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery that they are here as guests of the House, and any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 1 o'clock and 24 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. CLINGER] at 2 p.m.

PRAYER

The Reverend Luis Leon, rector, St. John's Church, Lafayette Square, Washington, DC, offered the following prayer:

Gracious God, Who has given us this good land for our heritage, we humbly pray that we may always prove ourselves a people mindful of the grace You have granted us. Bless our land with honorable industry and sound learning and faithful leadership. Save us from violence and discord, confusion and chaos, pride and arrogance. Defend our liberties and fashion into one nation the good people brought here out of many lands and languages. Endue

with a spirit of wisdom those to whom in Your name we entrust the authority of government, especially the President and the Congress of the United States, that there may be justice and mercy in this land. Strengthen our resolve to see fulfilled all hopes for a lasting peace among all nations. In a time of prosperity, fill our hearts with thankfulness, and in a day of trouble, remind us that we still belong to You. All this we ask in Your name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. MONTGOMERY 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 a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 53. Joint resolution making corrections to Public Law 104–134.

WELCOMING THE REVEREND LUIS LEON AS GUEST CHAPLAIN

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

Mr. MONTGOMERY. Mr. Speaker, it is my pleasure to welcome the Reverend Luis Leon to the U.S. House of Representatives to be our Chaplain for the day and thank him for the prayer just given.

Reverend Leon was born in Guantanamo, Cuba, and was baptized in Guantanamo Episcopal Church. He moved to the United States at the age of 12 and lived with his mother and sister in Miami. He later attended the University of the South in Sewanee, TN. In 1977, Reverend Leon received his master's in divinity degree from the Virginia Theological Seminary.

Reverend Leon has spent many years in religious service at churches in North Carolina, New Jersey, and Delaware. He moved to Washington, DC, with his wife, Lu, and his two daughters are living here, too. He is now the 14th Rector of St. John's Episcopal Church at Lafayette Square here in Washington, DC.

Since its inauguration in 1815 St. John's has been a fixture in our Nation's Capital. Organized to serve as a parish church for occupants of the White House and their families, it is now known as the ''Church of the Presidents'' because every President since James Madison has attended services there at least once. President Clinton continues the tradition by quite often attending St. John's 8 o'clock services on Sunday mornings.

Again, we welcome Rev. Luis Leon as our Chaplain for the day.

MAKING CORRECTIONS TO PUBLIC LAW 104–134

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 53) making corrections to Public Law 104–134, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 53

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That:

(a) In Public Law 104–134, insert after the enacting clause:

''TITLE I—OMNIBUS APPROPRIATIONS''.

(b) The two penultimate undesignated paragraphs under the subheading ''ADMINISTRATIVE PROVISIONS, FOREST SERVICE'' under the heading ''TITLE II—RELATED AGENCIES, DEPARTMENT OF AGRICULTURE'' of the Department of the Interior and Related Agencies Appropriations Act, 1996, as contained in section 101(c) of Public Law 104–134, are repealed.

(c) Section 520 under the heading ''TITLE V—GENERAL PROVISIONS'' of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, as contained in section 101(e) of Public Law 104–134, is repealed.

(d) Strike out section 337 under the heading ''TITLE III—GENERAL PROVISIONS'' of the Department of the Interior and Related Agencies Appropriations Act, 1996, as contained in section 101(c) of Public Law 104–134, and insert in lieu thereof:

''SEC. 337. The Secretary of the Interior shall promptly convey to the Daughters of the American Colonists, without reimbursement, all right, title and interest in the plaque that in 1933 was placed on the Great Southern Hotel in Saint Louis, Missouri by the Daughters of the American Colonists to mark the site of Fort San Carlos.''.

(e) Section 21104 of Public Law 104–134 is repealed.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REALITY CHECK ON CONGRESS

(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, it's time for a reality check on the accomplishments of the 104th Congress. At the moment Clinton is riding high in the polls—a result pleasing to the liberal media in America.

But the facts are these: this Congress majority voted for real welfare reform, but Bill Clinton vetoed it; this Congress voted for a balanced budget but Clinton vetoed it; this Congress voted to cut wasteful spending including foreign aid but Clinton vetoed it; this Congress voted to defend second amendment rights but Clinton chose another path. Let's give credit where credit is due.

If the American people want true reform in our country for those who work and pay taxes, those who farm and run small businesses, those who want to put America's interests ahead of the U.N. and world government; those who support traditional family values; then this majority in Congress must be increased and a new President must be elected. It's time to think of vetoing Clinton—he's the obstacle to real reform in America. That's the reality.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

RAISING THE MINIMUM WAGE IS THE ECONOMIC AND MORAL ISSUE OF THE DAY

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

Ms. PELOSI. Mr. Speaker, I rise today to call upon the leadership of the House to bring up legislation increasing the minimum wage, and in doing so I ask the question, how long does it take to earn $8,440?

I call the attention of our colleagues to this cartoon, which states that it takes a full-time minimum-wage earner 1 year, while it takes the average CEO of a large U.S. corporation one-half a day. This cartoon is not funny and it is not fair.

Yes, we salute the success of the entrepreneur and the businessperson. Yes, we recognize that business must make a profit. But in a country as great and as decent as ours, this cannot all be at the expense of exploiting our work force.

For a minimum-wage earner a pay raise to $5.15 per hour would mean to have enough money for food, textbooks, simple things. We must raise the minimum wage to a decent living wage, to a wage that makes work pay.

It is the political, economic and moral—yes, I repeat, moral issue of our day.

REPEALING GAS TAX WILL HELP AMERICANS AT LOWEST RUNG ON ECONOMIC LADDER

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

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my good friend and colleague from California and her editorial cartoon that she brought out, but I thought she and other Members on the liberal side of the aisle would be interested in this statement from President Clinton when he was freed from the strictures of campaign fever.

''It'', raising the minimum wage, ''is the wrong way to raise the incomes of low-wage earners.'' So said the President in Time magazine February 6 of last year.

Mr. Speaker, the challenge for us is not to prescribe some artificial wage mandated by Government. The challenge for us is to allow hard-working Americans to hang on to more of the money they earn and send less of it to the Federal Government, beginning with this regressive, horrible Clinton tax on gasoline. Let us repeal that today in true bipartisan fashion and that will help American workers at the lowest rung of the economic ladder and on up.

MANHATTAN JUDGE OKAYS TAX BREAKS FOR PEDOPHILES

(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, a Manhattan judge has okayed tax breaks for pedophiles. The judge upheld the tax exempt status for Zymurgy, Inc., an organization that advocates sex between men and boys. The judge ruled freedom of speech extends even to those who advocate man-boy sex.

Mr. Speaker, where did this judge get his law degree, the back cover of Bazooka bubble gum trading cards or what? Will America, now Congress, subsidize pedophilia?

The truth of the matter is some of these judges have become so book smart, they are actually street dumb. I think it is time for Congress to take a look at some of this judicial branch decision-making process. Sounds pretty constipating to me.

IT IS TIME TO REPEAL REGRESSIVE GAS TAX

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

Mr. CHABOT. Mr. Speaker, I once again return to the point I have been making since I got here, and that is that working families in this country are taxed far, far too much. Working families are being ripped off by the Federal Government and by the special interests that demand more and more money and higher and higher taxes.

So I am glad to hear the rumors that the President may at least be willing to roll back the ill-conceived gas tax that he imposed a couple of years back. That gas tax was part of the biggest tax increase in history, a tax increase that even the President later admitted was a mistake.

The President and the old Congress thought that higher taxes would fuel the economy, but a lot of working families are just about running on empty. Taxes are too high. Let us quit siphoning an extra 50, or 60 or 70 cents out of the pockets of American citizens each time they fill up their gas tanks. Let us agree right now, in a bipartisan way, to repeal this ridiculous regressive gas tax and ensure Americans get more mileage out of their own paychecks. It is time to cut taxes and get the lead out.

CONGRESS SUPPORTS HEAD START WITH $36 MILLION OVER FISCAL YEAR 1995

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

Mr. BROWN of California. Mr. Speaker, a few days ago, I had the great pleasure of being a guest of some of my youngest constituents at the Dorothy Grant and William Bell Head Start Preschool Centers in Fontana, CA. I salute the dedicated staff and outstanding students of these two centers.

Since its enactment in 1965, Head Start has provided comprehensive child development services to more than 12 million low-income preschool children and their families.

I was proud to vote for this legislation in 1965, and I am proud of the accomplishments it is still making. While the thrust of Head Start is the same as it was 30 years ago, the program has evolved greatly and now encompasses more community and parental support.

Head Start has a proven role in reducing drop outs, providing accesses to health care, and assisting in preventing delinquency.

I applaud supportive Members of Congress for their recent work in the budget negotiations to fund head Start at $36 million over and above fiscal year 1995. This action shows our strong commitment to providing a solid footing in educating our children.

OSHA SMALL BUSINESS RELIEF

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

Mr. BALLENGER. Mr. Speaker, last week my office received a copy of a letter which the AFL–CIO is circulating to Members of Congress opposing the Small Business OSHA Relief Act, H.R. 3234.

Not surprisingly, the letter never mentions the fact that every single item in the Small Business OSHA Relief Act has been taken directly from policy pronouncements of the Clinton administration. The AFL–CIO has shown how extreme its own agenda is when it opposes this very modest legislation, which is limited in scope and represents areas of agreement between the Clinton administration's initiatives and our desire to make OSHA less adversarial and more commonsensical.

The Clinton administration has repeatedly said that OSHA needs to be reinvented. But will the Clinton administration have the backbone to stand by its own words and initiatives when the AFL–CIO comes calling?

CONGRESS SHOULD BRING MINIMUM WAGE TO VOTE

(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, I would urge Speaker GINGRICH and the Republican leadership to let us vote on an increase in the minimum wage. In my State of New Jersey the minimum wage was increased to $5.05 an hour, two Princeton University economists, David Card and Alan Kruger, surveyed patterns in fast food restaurants in New Jersey and Pennsylvania after the minimum wage went into effect. The result suggested a moderate hike, much like the one President Clinton is proposing, has actually increased total employment.

The reason is that minimum wage earners do not have the ability to save. They spend their money on basic necessities, and raising the minimum wage put more money into our local economy. The money was spent to purchase more goods, adding eventually to an increase in profits for our local businesses. The fast food industry that Card and Kruger studied found most of the people earning the minimum wage were the same people who used that increase to in fact buy more fast food.

So the bottom line is a higher minimum wage increased economic activities in New Jersey. It is supported by the President and supported by most Members in both the House and the Senate, and the leadership of the Republican Party should bring it up for a vote now.

□ 1415

A SEAT ON THE COURT FOR $10 MILLION

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

Mr. JONES. Mr. Speaker, $10 million is not a big deal to most liberal Democrats. But to Bill Clinton it's just

enough to pay for a seat on the Federal appeals court.

That's right, Mr. Speaker. Ten million dollars.

Just think what you could buy with that much money. A trip around the world. A big, fancy yacht. Or, a seat on one of the highest courts in the land.

As a life-time Federal judge, you could have power over the lives of millions of Americans. You could make decisions that shape society and the economy. And you would not even need judicial experience. All you would need is a little fund-raising experience working for the Democrat Party.

It's really a no-brainer if you think about it, Mr. Speaker. I mean, what would you rather do with $10 million. Invest in cattle futures, or sit on the Federal bench for the rest of your life. Not a bad deal, I'd say.

AMERICA LOST IN THE WORLD TRADE ORGANIZATION

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

Mr. BROWN of Ohio. Mr. Speaker, less than a week ago, we were celebrating Earth Day.

Today our country's environmental laws are under assault not only by the GINGRICH extremists in Congress but also in the World Trade Organization, the WTO.

The United States lost yesterday in the WTO. The WTO said our Clean Air Act violates international trade laws—yes, the same Clean Air Act that we celebrated last week.

But our environment wasn't the only loser in the WTO.

Workers in America's refineries lost, too. Workers in places like Ohio and Pennsylvania and Louisiana lost because they will have to compete with dirty gas imports from Venezuela and Brazil.

Mr. Speaker, America lost yesterday in the World Trade Organization. It was our first loss; unfortunately it will not be our last unless we repeal some of these trade agreements.

REPEAL THE CLINTON GAS TAX

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

Mr. GOSS. Mr. Speaker, as almost every American knows gas prices have climbed 5 cents a gallon the past 2 weeks and are at the highest level since the Persian Gulf war. President Clinton has dispatched his Energy Secretary to find the root of this problem.

She should not have to fly very far or look hard—after all, this same administration increased gas taxes by almost 5 cents per gallon in 1993. Offered in the name of deficit reduction, this tax hike is now hitting millions of American motorists who are grumbling loudly at the pumps. Fiscal conservatives in Congress are currently exploring ways to repeal this regressive tax. However, it's not easy because as we found when repealing the Clinton tax on seniors' Social Security benefits, liberals hate to give up any taxes. The American people will be given a clear choice—the tax hikes and status quo spending of the Clinton administration or the billions of dollars of real spending cuts and tax relief of this Congress.

Americans should think about that the next time they fill up knowing President Clinton feels their pain.

GAS PRICES

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

Mr. KLINK. Mr. Speaker, I had not intended to speak on this, but after I have heard the comments from the other side regarding the increase in the gas tax back in 1993, I cannot constrain myself. First of all, I would remind my friends, let us go back and take a look at what happened under Presidents Reagan and Bush in regard to their increase in the gas tax. Let us not be revisionist.

Let us take a look at what happened to gas prices in this country when we raised it 4.3 cents per gallon. Gas prices in 1993, in 1994, in 1995 went down. They did not go up. But here we are in 1996 and we are reaching back to 1993 to be able to blame President Clinton because we have nothing else to blame him on because the stock market went up, employment went up, unemployment went down. Misery went down, so let us blame him on something else.

We are here right now trying to make sure that these working poor have an ability to earn a living wage. We have given them, in the same bill that increased the gas taxes, an earned-income tax credit to help people get off welfare and into work. The GOP right now is opposed to giving people a 90-cent raise in the minimum wage. I would say that somewhere between Abraham Lincoln and the current Republican leadership, the GOP has taken an about-face on slavery.

THE WAR ON DRUGS

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

Mr. HERGER. Mr. Speaker, President Clinton has been absent on the war on drugs. Yet yesterday, after more than 3 years in office, President Clinton finally announced a plan to reduce illegal drug use. But Mr. Speaker, it would appear to be too little too late. President Clinton has backed down on the war on drugs. For example, it was President Clinton that only days after taking office, cut the Office of National Drug Control Policy by more than 80 percent. It is during the Clinton administration that drug use among children skyrocketed while interdiction and prosecution efforts dropped. It is during the Clinton administration that marijuana use among young people has increased 50 percent and has jumped 137 percent among 12- to 13-year-olds. Mr. Speaker, who is the President trying to kid?

The President has dropped the ball on the war on drugs and now he's playing election year politics.

PAY EQUITY FOR FEDERAL FIREFIGHTERS

(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, tonight is the eighth annual fire and emergency services dinner. Two thousand of our Nation's fire and emergency services leaders gather in Washington to recognize the service of our Nation's firefighters and emergency responders, safety instructors, engineers, arson investigators, and others in the fire community.

However, hundreds of Federal firefighters will not be in attendance tonight because they are fighting brushfires in the West. Mr. Speaker, they are experiencing what many are calling the driest conditions in over a century.

Here in the Congress, I have introduced a bill, H.R. 858, the Federal Firefighters Pay Fairness Act, which would correct a significant pay inequity which exists for these and nearly 10,000 Federal firefighters throughout our country.

Mr. Speaker, despite the fact that my bill has over 135 bipartisan sponsors, we have been unable to get a hearing in the Committee on Government Reform and Oversight Subcommittee on Civil Service. In the next several days, I will be sending a bipartisan letter to the gentleman from Florida [Mr. MICA], the chairman, requesting a hearing on this bill with approximately 100 Members of this body. I hope, Mr. Speaker, that we will see a hearing on that bill in the near future.

HEAD START WORKS IN ARIZONA

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

Mr. KOLBE. Mr. Speaker, I rise today in a bipartisan way to speak about a program that I think is widely applauded by most people in this House, and that is Head Start. It is a program that has certainly worked well in my district. I think it has worked well across the country, and it has worked well because it does good things and it has a performance record that we can all talk about. It is a program that is designed to provide nutrition, health screening and treatment, education, and social services to preschool-aged children and to their parents, and it has contributed greatly to

our efforts to help those kids do better as they get older and to help to win the war against poverty in this country.

In my community of Tucson, AZ, 70 percent of the children served by Head Start are bilingual, and through this program, these children learn English better so that they can go to kindergarten with a better knowledge to start out of their schooling on the right footing, an that helps them stay in school. That helps everyone, the kids, their parents, and the community.

Mr. Speaker, for years Head Start has enjoyed strong bipartisan support, and in these austere budgetary times, that support has continued. I urge my colleagues to continue to provide adequate funding.

WAGES IN AMERICA

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

Mr. FARR of California. Mr. Speaker, everybody in America is worried about their wages. Here in Congress, the GOP leadership opposes the President's initiative to raise the minimum wage from $4.25 to $5.15 to begin starting next year.

The GOP leadership argues that this will have unintended consequences, therefore, let us not do it. However, what they failed to note is that paying workers more money for work performed will increase workers' purchasing power, and that will purchase more goods, more jobs will be created. This helps restore purchasing power, reduces turnover in the job place, and promotes domestic tranquility.

I think that is what this country is all about, is about paying people for work performed. Paying more to the lowest wage earner in the country, the lowest, the lowest, not the middle, not the highest. Are there not the same workers we are trying to help with struggling to keep their heads above water? Why is it the GOP wants to end welfare but does not want to pay those who work for being hard workers?

TRIBUTE TO HEAD START

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

Mrs. SEASTAND. Mr. Speaker, I rise today to pay tribute to a program which I believe has had a significant, positive impact on children and their families. Head Start empowers the entire family, not just the young child. Head Start assists parents in carrying out their roles as the primary nurturers of their children. Parents assist in Head Start classrooms and sit on parent councils that have a say in how the program is run. Research shows positive impacts including improved parental awareness, and enhanced parental employment and educational status.

Mr. Speaker, on behalf of the 750,000 children currently involved in Head Start programs, and the many more children who would benefit from them, I call upon my colleagues in this chamber to fully fund Head Start for the next fiscal year. Though government cannot provide solutions to all of our Nation's problems, it can, when employed judiciously and efficiently, help poor children and their families overcome some of the hardships of life.

Let us make an investment in this Nation's future. Every dollar allocated for Head Start will save us many more dollars and much heartache in the future.

A HEAD START FOR OUR NATION'S CHILDREN

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

Mr. FILNER. Mr. Speaker, I rise to call our attention to one of our Nation's most cost-effective and productive programs: Head Start.

Head Start is a comprehensive program aimed at preschool age children of low-income families. In addition to providing education, it also includes nutritional services, health screening and treatment, and social services. One of Head Start's strengths is its emphasis on involving parents in their children's education.

The idea of Head Start is simple. If you help children prepare for school, and if you work with their parents, they will enter kindergarten better able to learn, develop, and compete. Head Start invests in child development as the core of an antipoverty strategy.

In a time of declining resources, our country should protect its most cost-effective programs, especially those that invest in our youngest children, empower families, and support work. Head Start is just such a program. Comprehensive early childhood education programs have been shown to save at least $3 for every $1 invested—by reducing future costs of special education, public assistance, and law enforcement.

Rosemary Flores is one of many Head Start success stories. She is a grandmother in San Diego who was recently appointed as custodian of her grandchildren. She says, ''Head Start is like a life raft. It teaches the value of education and the concept of family unity. If I had my way, it would be available to everyone.''

Unfortunately, Head Start is not yet available to everyone who qualifies. Currently only 40 percent of the eligible 3-to-5-year-olds or 20 percent of the eligible children from birth to 5 years are served by Head Start.

Mr. Speaker, the President's budget request asks for $3.981 billion for Head Start in fiscal year 1997. This is a good start on Head Start. We should appropriate the full amount requested.

MEDICARE HOSPITAL TRUST FUND

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

Mr. RIGGS. Mr. Speaker, the nonpartisan Congressional Budget Office has released new data showing Medicare's hospital insurance trust fund is going bankrupt a lot faster than the President's trustees estimated.

But the President and congressional Democrats have not put forth any new or serious ideas in light of this alarming new information. In fact, the Washington Post said yesterday,

> The new numbers appear to lend support to Republican charges that the medicare hospital trust fund is deteriorating faster than had been realized and that steps must be taken quickly to arrest the decline. Last year the medicare trust fund lost $35.7 million and this year in the first 6 months of this year alone, it has lost $4 billion.

Mr. Speaker, Medicare's problems are much more serious than the President and congressional Democrats are willing to admit. They want to play politics with this issue. It is time to turn off the medicare radio and TV ads, stop the medigoguery and join with us a plan that preserves Medicare from bankruptcy while increasing spending and increasing health care choices for every single Medicare beneficiary.

□ 1430

JOIN THE TRIBUTE TO HONOR OUR FIRE AND EMS PERSONNEL

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

Mr. WELDON of Pennsylvania. Mr. Speaker, today we honor America's domestic defenders, the 1.5 million men and women across the country who serve every one of our communities in responding to every type of disaster known to mankind. This evening, 2,000 of their leaders are assembled here for the eighth annual national dinner to honor the fire and EMS personnel.

When I started this effort 8 years ago, Mr. Speaker, it was to give proper recognition to these unsung heroes, and tonight we continue that tradition.

We will be joined by the Honorable Senator BOB DOLE, who will give a keynote address, along with the Vice President of the United States, AL GORE, both of whom have strongly supported, in a bipartisan way, the efforts of these brave men and women.

We will also honor the brave firefighters of the Long Island fire departments who provided such valuable service last year in responding to an unbelievably large incident in Long Island.

Mr. Speaker, today is the day when our colleagues can join together and pay appropriate tribute to these brave men and women by showing up at the dinner this evening and by meeting with them in their offices as the 2,000 leaders of the fire service address Capitol Hill and plead their case for more support and more recognition.

POLITICS, HYPOCRISY, AND THE RISE OF GAS PRICES

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

Mr. BENTSEN. Mr. Speaker, like all Americans I am concerned about the recent rise in gas prices and the effect that it has on consumers and on our industries in this country. I do not know exactly what the answer is, I am not sure that anybody does, but I think it does merit study by this Congress and by the administration.

But I am also concerned, Mr. Speaker, by the hypocrisy that I see Members of this House, of the other body, of the de facto Presidential nominee of the other party, the Republican Party, that after 16 months of being in control they have decided now they want to repeal the gas tax.

Where were they last January? Where were they with their tax bill? Now they have had this midnight conversion, much like the Earth Day conversion on the environment, and all of a sudden they want to repeal the gas tax.

I have been talking about this for awhile. Why did we not take it up before? It is politics, it is politics plain and simple, and unfortunately as the House continues to engage in this activity, the American people suffer.

LET US HOLD HEARINGS ON THE OIL COMPANY SCAM ON THE AMERICAN PEOPLE

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

Mr. MARKEY. Mr. Speaker, gas prices are shooting up at the pump. Meanwhile, the big oil companies have just announced record profits. Gasoline inventories dwindle. Meanwhile, three major refineries announced routine shutdowns on the very same day, last Friday. Pump prices soared 30 cents on oil company speculation. Meanwhile, their Republican defenders in Congress blame a 4-cent tax. The President initiates an investigation and releases reserves. Meanwhile, the Republican Congress sits on its hands. Where are the hearings? People want answers. Why are the oil companies doing this? But all we get is a Republican silence of the lambs.

Mr. Speaker, consumers are in need, and all we get is a Republican fig leaf for the naked greed of the oil companies.

Let us face it. The gas tax is a dry hole. If we want to strike oil, let us pass a windfall profits tax on the money that the oil companies are taking out of the pockets of consumers. They are tipping consumers upside-down and shaking money out of the pockets of these consumers. Let us have Republican hearings on this oil company scam on the American people.

THE TIME IS RIGHT TO DO RIGHT—RAISE THE MINIMUM WAGE

(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 time is always right to do right. And raising the minimum wage is the right thing to do.

This is not just an economic issue, Mr. Speaker, this is a moral issue. Hard working people deserve the right to earn a livable wage. The minimum wage is at a 40-year low. No one can live, much less support a family, on $8,400 a year.

Mr. Speaker, stop playing politics with people's lives. Bring a clean minimum wage bill to the floor. Do not load it up and bring it down with your pet programs.

Mr. Speaker, you have the ability, you have the capacity, you have the power to bring a clean minimum-wage bill to this floor and give people a livable wage.

BLAMING THE GAS TAX ON THE REPUBLICANS?

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

Mr. MCINNIS. Mr. Speaker, I was just in the House Chambers, and I cannot believe what I just heard in the last few minutes.

I was here 2 years ago, and I voted ''no'' on the largest tax increase in the history of this country. It was the Clinton tax increase supported by the Democrats in the House of Representatives, not one Republican voted for it, and supported by the Democrats in the U.S. Senate. What did that large tax increase do? It put on the American people and the working people, from what previous speakers have just spoken, the largest tax increase in the history of this country, and I certainly did not see any of these brave speeches, just now given recently in the last few minutes, but some of these Democrats about this onerous gas tax. It is those people right there who put that gas tax on each and every one of us.

People did not have to be rich to get the gas tax put on them. They put a 4½ cent tax on every American that buys a gallon of gas, and today they are trying to get away from it as fast as they can run and somehow do a flip-flop and blame it on the Republicans.

Forget about the partisan politics. Let us talk about the tax.

FOREIGN RELATIONS REVITALIZATION ACT SHOULD BE DEFEATED

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

Mr. RICHARDSON. Mr. Speaker, SAM GIBBONS is an internationalist, and I join with many in the tribute to this great legislator.

Today we do not have an internationalist bill on the floor, the Foreign Relations Revitalization Act. It forces the consolidation of agencies, which is the President's prerogative. The levels necessary to conduct foreign policy are just not there. It get involved in China policy when we should basically be staying away. It put restrictions on our relations with Vietnam. It put restrictions on our participation in international organizations. It has severe restrictions on our family planning policies.

Mr. Speaker, this is not a bipartisan bill, it is a partisan bill. It should be defeated. The President's veto should be upheld, and we should not stand for partisanship at a time when our foreign policy should be bipartisan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CLINGER). Pursuant to provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

AMENDING CENTRAL UTAH PROJECT COMPLETION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (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, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1823

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

SECTION 1. PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND THE CENTRAL UTAH WATER CONSERVANCY DISTRICT.

Section 210 of the Central Utah Project Completion Act (106 Stat. 4624) is amended by striking the second sentence and inserting the following: ''The Secretary shall allow for prepayment of the repayment contract between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and supplemented on November 26, 1985, providing for repayment of municipal and industrial water delivery facilities for which repayment is provided pursuant to such contract, under terms and conditions similar to those contained in the supplemental contract that provided for the prepayment of the Jordan Aqueduct dated October 28, 1993. The prepayment may be provided

in several installments to reflect substantial completion of the delivery facilities being prepaid and may not be adjusted on the basis of the type of prepayment financing utilized by the District. The District shall exercise its right to prepayment pursuant to this section by the end of fiscal year 2002. Nothing in this section authorizes or terminates the authority to use tax exempt bond financing for this prepayment.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from New Mexico [Mr. RICHARDSON] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

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

Mr. HANSEN. Mr. Speaker, I would like to thank Chairman DON YOUNG and Congressman DOOLITTLE for their assistance in moving this bill forward. Although it is non-controversial, it is of great importance to the State of Utah.

H.R. 1823 extends the preexisting authority of the Secretary of the Interior to accept prepayment from the Central Utah Project for municipal and industrial repayment contracts. In 1992, Congress enacted the Reclamation Projects Authorization and Adjustment Act of 1992, which included the Central Utah Project Completion Act Section 210 of the Central Utah Project Completion Act authorized the Secretary to negotiate the prepayment of the Jordan Aqueduct component of the Central Utah Project.

Negotiations between the Secretary of the Interior and the local waterusers concluded in a prepayment agreement dated October 28, 1993. Under the terms of the prepayment agreement, the future repayment debt to the Federal Government was paid back based on the 30 year U.S. Treasury borrowing rate.

H.R. 1823 extends this authority to repayment contracts and entered into on December 28, 1965 and November 26, 1985. By allowing prepayment on the District's debt, it is expected that prepayment of the District's remaining debt could yield the Federal treasury between $145 to $200 million. The receipt of these funds could be used to achieve current budget targets.

The financial benefit to the water users is also significant. Prepayment will shorten the repayment term, thereby providing for financial flexibility for the District and local taxpayers.

I commend all those involved in bringing this legislation before us today. In this time of budget austerity, I am very pleased to see the district work to come up with solutions that financially benefit the Federal Government as well as the taxpayers of Utah.

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

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

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

Mr. RICHARDSON. Mr. Speaker, I rise in support of H.R. 1823, a bill to amend the Central Utah Project Completion Act.

This legislation will allow the Central Utah Water Conservancy District to prepay its obligations for municipal and industrial repayment contracts.

This entity has repeatedly demonstrated its willingness and its ability to control the continued construction of the Central Utah Project, one of the largest Bureau of Reclamation projects. I believe that it is appropriate that the District be afforded an opportunity to prepay its contractual obligations under terms that are fair both to the District and to the United States.

It is my understanding that the bill language in H.R. 1823 neither explicitly allows nor precludes the use of tax exempt bond financing for this prepayment.

I further note that the terms of prepayment authorized by H.R. 1823 are specific only to the Central Utah Project and to the Central Utah Water Conservancy District. Many other water districts have proposed prepayment plans or project transfer proposals, and each of those must be considered by the Secretary of the Interior and the Congress on a case-by-case basis.

I believe this bill authored by the gentleman represents a fair deal for the taxpayers and for Utah water users, but it does not necessarily represent a policy standard or a precedent for other water agencies who may wish to proceed with an early ''buy out'' or transfer of their Bureau of Reclamation projects.

Mr. Speaker, I urge my colleagues to support passage of H.R. 1823.

Mr. Speaker, I want to commend the gentleman from Utah [Mr. HANSEN], the gentleman from Alaska [Mr. YOUNG], and the gentleman from Utah [Mr. ORTON] for their outstanding leadership on this bill.

□ 1445

Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the gentleman from Utah [Mr. ORTON] who worked very much on this bill.

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

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

Mr. Speaker, I rise today in strong support of H.R. 1823, the Central Utah Water Project Payments Act. I would also like to commend my colleague, and dean of our Utah House delegation who has shepherded this bill through his committee. This bill is a win-win for everyone involved. From the Federal Government to the Central Utah Water Conservancy District to the citizens of Utah and finally to the American people who will be insured of the most cost-effective project possible. I only wish we had more examples of this kind of cooperation between the Federal Government, the States, and localities. This bill will allow the Central Utah Water Conservancy District, the builder and operator of the Central Utah Project, to prepay some of its debts to the Federal Government. The President and the Office of Management and Budget strongly support this legislation since it will guarantee an additional infusion of almost $200 million to the Federal Government over the next 5 years.

My colleagues may not be aware of the tremendous amount of time that it has taken the Central Utah Project to be built. We have now been in the process for over 40 years. Through years of hard work by my predecessors in the Utah delegation as well as the current delegation we have been able to accomplish the once unthinkable, the construction and now early repayment of the Central Utah Project. And this bill represents a hallmark moment in the history of this mammoth project—maybe for the first time, we are accomplishing something ahead of schedule that will benefit everyone involved.

While I had included this same legislation in the coalition's 7-year Common Sense Balanced Budget Act, it is obvious that this specific legislation is needed since Congress and the President have failed to agree on a 7-year balanced budget.

The largest facility to be prepaid in this bill is the Jordanelle Dam which has already been completed. It is expected that the Jordanelle Reservoir, pursuant to an already agreed upon plan with the Bureau of Reclamation, will be filled with sufficient water to start repayment by the Central Utah Water Conservancy District. And once the district's repayment obligation is triggered, the district will exercise its option to prepay its repayment debt.

Since most of the Central Utah Project is located in my district, let me assure my colleagues how important this legislation is to the people of Utah. Again, this is a great example of creative financing that will benefit everyone involved.

I again commend my colleague, the chairman of the subcommittee, in his efforts in this bill. I urge adoption, and urge all of my colleagues to vote ''yes'' on H.R. 1823.

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

Mr. Speaker, in conclusion, let me commend the gentleman from Utah [Mr. HANSEN] for his authorship of this bill. It is a good bill.

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

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

Mr. Speaker, I thank my colleagues for their support of this bill. I also would like to mention the gentlewoman from Utah, Ms. ENID GREENE, who worked diligently to help get this

bill through, which is a great benefit for the residents of the State of Utah.

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

The SPEAKER pro tempore (Mr. CLINGER). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1823, as amended.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMENDING THE NATIONAL FOREST SKI AREA PERMIT ACT OF 1986

Mr. ALLARD. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read as follows:

H.R. 1527

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

SECTION 1. SKI AREA PERMIT RENTAL CHARGE.

(a) The Secretary of Agriculture shall charge a rental charge for all ski area permits issued pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b), the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), or the 9th through 20th paragraphs under the heading ''SURVEYING THE PUBLIC LANDS'' under the heading ''UNDER THE DEPARTMENT OF THE INTERIOR'' in the Act of June 4, 1897 (30 Stat. 34, chapter 2), on National Forest System lands. Permit rental charges for permits issued pursuant to the National Forest Ski Area Permit Act of 1986 shall be calculated as set forth in subsection (b). Permit rental charges for existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1897, shall be calculated in accordance with those existing permits: *Provided,* That a permittee may, at the permittee's option, use the calculation method set forth in subsection (b).

(b)(1) The ski area permit rental charge (SAPRC) shall be calculated by adding the permittee's gross revenues from lift ticket/year-round ski area use pass sales plus revenue from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System land. That amount shall be increased by the gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittee or subpermittee lodging, food service, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit rental charge. The final rental charge shall be calculated by multiplying the AGR by the following percentages for each revenue bracket and adding the total for each revenue bracket:

(A) 1.5 percent of all adjusted gross revenue below $3,000,000;

(B) 2.5 percent for adjusted gross revenue between $3,000,000 and $15,000,000;

(C) 2.75 percent for adjusted gross revenue between $15,000,000 and $50,000,000; and

(D) 4.0 percent for the amount of adjusted gross revenue that exceeds $50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPF) formula can be simply illustrated as:

SAPF=((LT+SS)STFP)+GRAF=AGR; AGR% BRACKETS

(2) In cases where ski areas are only partially located on national forest lands, the slope transport feet percentage on national forest land referred to in subsection (b) shall be calculated as generally described in the Forest Service Manual in effect as of January 1, 1992. Revenues from Nordic ski operations shall be included or excluded from the rental charge calculation according to the percentage of trails physically located on national forest land.

(3) In order to ensure that the rental charge remains fair and equitable to both the United States and ski area permittees, the adjusted gross revenue figures for each revenue bracket in paragraph (1) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than 3 years after the date of enactment of this Act and periodically thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a report analyzing whether the ski area permit rental charge legislated by this Act is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications of the system.

(c) The rental charge set forth in subsection (b) shall be due on June 1 of each year and shall be paid or prepaid by the permittee on a monthly, quarterly, annual or other schedule as determined appropriate by the Secretary in consultation with the permittee. Unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee's schedule in effect prior to enactment of this Act. To reduce costs to the permittee and the Forest Service, the Secretary shall each year provide the permittee with a standardized form and worksheets (including annual rental charge calculation brackets and rates) to be used for rental charge calculation and submitted with the rental charge payment. Information provided on such forms shall be compiled by the Secretary annually and kept in the Office of the Chief, U.S. Forest Service.

(d) The ski area permit rental charge set forth in this section shall become effective on June 1, 1996 and cover receipts retroactive to June 1, 1995: Provided, however, That if a permittee has paid rental charges for the period June 1, 1995, to June 1, 1996, under the graduated rate rental charge system formula in effect prior to the date of enactment of this Act, such rental charges shall be credited toward the new rental charge due on June 1, 1996. In order to ensure increasing rental charge receipt levels to the United States during transition from the graduated rate rental charge system formula of this Act, the rental charge paid by any individual permittee shall be—

(1) for the 1995–1996 permit year, either the rental charge paid for the preceding 1994–1995 base year or the rental charge calculated pursuant to this Act, whichever is higher;

(2) for the 1996–1997 permit year, either the rental charge paid for the 1994–1995 base year or the rental charge calculated pursuant to this Act, whichever is higher;

(3) for the 1997–1998 permit year, either the rental charge for the 1994–1995 base year or the rental charge calculated pursuant to this Act, whichever is higher.

If an individual permittee's adjusted gross revenue for the 1995–1996, 1996–1997, or 1997–1998 permit years falls more than 10 percent below the 1994–1995 base year, the rental charge paid shall be the rental charge calculated pursuant to this Act.

(e) Under no circumstances shall revenue, or subpermittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on non-national forest land be included in the ski area permit rental charge calculation.

(f) To reduce administrative costs of ski area permittees and the Forest Service the terms ''revenue'' and ''sales'', as used in this section, shall mean actual income from sales and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to special events or any amounts attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and complimentary life tickets) for which the permittee does not receive money.

(g) In cases where an area of national forest land is under a ski area permit but the permittee does not have revenue or sales qualifying for rental charge payment pursuant to subsection (a), the permittee shall pay an annual minimum rental charge of $2 for each national forest acre under permit or a percentage of appraised land value, as determined appropriate by the Secretary.

(h) Where the new rental charge provided for in subsection (b)(1) results in an increase in permit rental charge greater than one half of one percent of the permittee's adjusted gross revenue as determined under subsection (b)(1), the new rental charge shall be phased in over a five year period in a manner providing for increases for approximately equal increments.

(i) To reduce federal costs in administering the provisions of this Act, the reissuance of a ski area permit to provide activities similar in nature and amount to the activities provided under the previous permit shall not constitute a major Federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

SEC. 2. WITHDRAWALS.

Subject to valid existing rights, all lands located within the boundaries of ski area permits issued prior to, on or after the date of enactment of this Act pursuant to authority of the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), and the Act of June 4, 1897, or the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) are hereby and henceforth automatically withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Such withdrawal shall continue for the full term of the permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise of the Secretary of the Interior, such withdrawal shall be canceled automatically upon expiration or other termination of the permit and the land automatically restored to all appropriation not otherwise restricted under the public land laws.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. ALLARD] and the gentleman from New Mexico [Mr. RICHARDSON] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. ALLARD].

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

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

Mr. ALLARD. Mr. Speaker, I rise in strong support of H.R. 1527, legislation to amend the process by which the Forest Service calculates the charges for ski areas on National Forest Service lands. This is a good bill which simplifies 40 pages of complex Government regulations and procedures, reduces costs on the private sector, and generates additional revenue for the Treasury.

Mr. Speaker, there are 143 ski areas located on Forest Service land around the country. While these ski areas represent only one-tenth of 1 percent of the land managed by the Forest Service, tens of millions of persons enjoy skiing at such internationally renown sites as Vail, Steamboat Springs, Aspen, Jackson Hole, Mammoth, and Sugarbush every year. For that reason, it is important that we establish sound policy in the management of our ski areas, which ensures continuation of this strong public-private partnership.

As ski area operations have evolved over the years into complex multi-season resorts, the existing graduate rate fee system for calculating ski area permittee fees has become increasingly complex. For example, the Forest Service has now instituted such practices as levying a charge on facilities and services on private lands which the Forest Service claims are related to the ski area. In 1986, Congress recognized that the existing system for calculating fees that ski area operators pay to the Federal Government was outdated and directed the Forest Service to develop a new fee system.

Unfortunately, in the 10 years since Congress directed the Forest Service to establish a new fee system, the agency has provided no new recommendation to Congress. The Forest Service has spent a substantial amount of money studying new ways to calculate fees, but at this point has nothing new to suggest. Last September, the Forest Service announced that they were prepared to scrap all their previous work and start a new study.

Instead of further studies, what this legislation presents is a new and simplified approach for calculating ski area permittee fees. Just as importantly, CBO has estimated that this legislation will actually increase revenues to the Treasury.

Mr. Speaker, this bill is a win-win-win: A win for the administration, who will see administrative costs go down. A win for the Treasury, where revenues will go up. And a win for the American public, who enjoys recreational skiing on Forest Service lands, which provide this country with some of the best recreational skiing in the world.

I commend the bill to my colleagues and urge its passage.

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

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

Mr. Speaker, I support H.R. 1527, the ski fee bill, although I do recognize some concerns with this legislation have been expressed by the administration and others.

I am all for simplifying the ski fee determination. The current process used by the Forest Service is cumbersome and costly, both for the agency and the permittees. H.R. 1527 greatly simplifies that process.

The Federal Government should get fair market value for the use of Federal assets. Unfortunately, as circumstances currently stand, we cannot be assured that this bill meets that test. As the GAO has reported to Congress, the ski industry's fee proposal that is embodied in H.R. 1527 does not assure that the Federal Government receives fair market value. The percentages used in the bill were designed to generate only the same amount in revenue that the Forest Service presently collects.

To address the question of fair market value, the bill includes language requiring the Secretary of Agriculture to report to Congress within 3 years on whether the bill's fee formula is achieving fair market value. I think this is a good idea.

I should also note that the administration and others have expressed concerns about the bill's NEPA waiver for permit renewals. That particular language presents some policy problems. but they are not insurmountable.

Mr. Speaker, as I noted earlier, the current Permit Fee System is cumbersome and costly. That is why the Forest Service has been moving to scrap it and replace it with a new fee program. Those proposed changes however are several years off. As such, I support H.R. 1527, with the understanding that the Congress can address this matter again if the Secretary reports to Congress that the bill's fee schedule is not achieving fair market value.

I particularly want to commend the advice on this legislation I received from Mickey Blake, my constituent who operates the world-renowned Taos Ski Valley, which happens to be the number one ski resort in the country, with all deference to my friends from Colorado.

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

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

Mr. Speaker, I just want to compliment the chairman of the Committee on Resources, the gentleman from Alaska [Mr. YOUNG], for carrying this valuable piece of legislation forward. I appreciate his hard work on behalf of ski country.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. ALLARD] that the House suspend the rules and pass the bill, H.R. 1527, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to further 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.''

A motion to reconsider was laid on the table.

HELIUM PRIVATIZATION ACT OF 1996

Mr. ALLARD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3008) to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes.

The Clerk read as follows:

H.R. 3008

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 ''Helium Privatization Act of 1996''.

SEC. 2. AMENDMENT OF HELIUM ACT.

Except as otherwise expressly provided, whenever in this Act 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 Helium Act (50 U.S.C. 167 to 167n).

SEC. 3. AUTHORITY OF SECRETARY.

Sections 3, 4, and 5 are amended to read as follows:

''SEC. 3. AUTHORITY OF SECRETARY.

''(a) EXTRACTION AND DISPOSAL OF HELIUM ON FEDERAL LANDS.—

''(1) IN GENERAL.—The Secretary may enter into agreements with private parties for the recovery and disposal of helium on Federal lands upon such terms and conditions as the Secretary deems fair, reasonable, and necessary.

''(2) LEASEHOLD RIGHTS.—The Secretary may grant leasehold rights to any such helium.

''(3) LIMITATION.—The Secretary may not enter into any agreement by which the Secretary sells such helium other than to a private party with whom the Secretary has an agreement for recovery and disposal of helium.

''(4) REGULATIONS.—Agreements under paragraph (1) may be subject to such regulations as may be prescribed by the Secretary.

''(5) EXISTING RIGHTS.—An agreement under paragraph (1) shall be subject to any rights of any affected Federal oil and gas lessee that may be in existence prior to the date of the agreement.

''(6) TERMS AND CONDITIONS.—An agreement under paragraph (1) (and any extension or renewal of an agreement) shall contain such terms and conditions as the Secretary may consider appropriate.

''(7) PRIOR AGREEMENTS.—This subsection shall not in any manner affect or diminish the rights and obligations of the Secretary and private parties under agreements to dispose of helium produced from Federal lands in existence on the date of enactment of the Helium Privatization Act of 1996 except to the extent that such agreements are renewed or extended after that date.

''(b) STORAGE, TRANSPORTATION AND SALE.—The Secretary may store, transport, and sell helium only in accordance with this Act.

''SEC. 4. STORAGE, TRANSPORTATION, AND WITHDRAWAL OF CRUDE HELIUM.

''(a) STORAGE, TRANSPORTATION AND WITHDRAWAL.—The Secretary may store, transport and withdraw crude helium and maintain and operate crude helium storage facilities, in existence on the date of enactment of the Helium Privatization Act of 1996 at the Bureau of Mines Cliffside Field, and related helium transportation and withdrawal facilities.

''(b) CESSATION OF PRODUCTION, REFINING, AND MARKETING.—Not later than 18 months after the date of enactment of the Helium Privatization Act of 1996, the Secretary shall cease producing, refining, and marketing refined helium and shall cease carrying out all other activities relating to helium which the Secretary was authorized to carry out under this Act before the date of enactment of the Helium Privatization Act of 1996, except activities described in subsection (a).

''(c) DISPOSAL OF FACILITIES.—

''(1) IN GENERAL.—Subject to paragraph (5), not later than 24 months after the cessation of activities referred to in subsection (b) of this section, the Secretary shall designate as excess property and dispose of all facilities, equipment, and other real and personal property, and all interests therein, held by the United States for the purpose of producing, refining and marketing refined helium.

''(2) APPLICABLE LAW.—The disposal of such property shall be in accordance with the Federal Property and Administrative Services Act of 1949.

''(3) PROCEEDS.—All proceeds accruing to the United States by reason of the sale or other disposal of such property shall be treated as moneys received under this chapter for purposes of section 6(f).

''(4) COSTS.—All costs associated with such sale and disposal (including costs associated with termination of personnel) and with the cessation of activities under subsection (b) shall be paid from amounts available in the helium production fund established under section 6(f).

''(5) EXCEPTION.—Paragraph (1) shall not apply to any facilities, equipment, or other real or personal property, or any interest therein, necessary for the storage, transportation and withdrawal of crude helium or any equipment, facilities, or other real or personal property, required to maintain the purity, quality control, and quality assurance of crude helium in the Bureau of Mines Cliffside Field.

''(d) EXISTING CONTRACTS.—

''(1) IN GENERAL.—All contracts that were entered into by any person with the Secretary for the purchase by the person from the Secretary of refined helium and that are in effect on the date of the enactment of the Helium Privatization Act of 1996 shall remain in force and effect until the date on which the refining operations cease, as described in subsection (b).

''(2) COSTS.—Any costs associated with the termination of contracts described in paragraph (1) shall be paid from the helium production fund established under section 6(f).

''SEC. 5. FEES FOR STORAGE, TRANSPORTATION AND WITHDRAWAL.

''(a) IN GENERAL.—Whenever the Secretary provides helium storage withdrawal or transportation services to any person, the Secretary shall impose a fee on the person to reimburse the Secretary for the full costs of providing such storage, transportation, and withdrawal.

''(b) TREATMENT.—All fees received by the Secretary under subsection (a) shall be treated as moneys received under this Act for purposes of section 6(f).''.

SEC. 4. SALE OF CRUDE HELIUM.

(a) Subsection 6(a) is amended by striking ''from the Secretary'' and inserting ''from persons who have entered into enforceable contracts to purchase an equivalent amount of crude helium from the Secretary''.

(b) Subsection 6(b) is amended—

(1) by inserting ''crude'' before ''helium''; and

(2) by adding the following at the end: ''Except as may be required by reason of subsection (a), sales of crude helium under this section shall be in amounts as the Secretary determines, in consultation with the helium industry, necessary to carry out this subsection with minimum market disruption.''.

(c) Subsection 6(c) is amended—

(1) by inserting ''crude'' after ''Sales of''; and

(2) by striking ''together with interest as provided in this subsection'' and all that follows through the end of the subsection and inserting ''all funds required to be repaid to the United States as of October 1, 1995 under this section (referred to in this subsection as 'repayable amounts'). The price at which crude helium is sold by the Secretary shall not be less than the amount determined by the Secretary by—

''(1) dividing the outstanding amount of such repayable amounts by the volume (in million cubic feet) of crude helium owned by the United States and stored in the Bureau of Mines Cliffside Field at the time of the sale concerned, and

''(2) adjusting the amount determined under paragraph (1) by the Consumer Price Index for years beginning after December 31, 1995.''.

(d) Subsection 6(d) is amended to read as follows:

''(d) EXTRACTION OF HELIUM FROM DEPOSITS ON FEDERAL LANDS.—All moneys received by the Secretary from the sale or disposition of helium on Federal lands shall be paid to the Treasury and credited against the amounts required to be repaid to the Treasury under subsection (c).''.

(e) Subsection 6(e) is repealed.

(f) Subsection 6(f) is amended—

(1) by striking ''(f)'' and inserting ''(e)(1)''; and

(2) by adding the following at the end:

''(2)(A) Within 7 days after the commencement of each fiscal year after the disposal of the facilities referred to in section 4(c), all amounts in such fund in excess of $2,000,000 (or such lesser sum as the Secretary deems necessary to carry out this Act during such fiscal year) shall be paid to the Treasury and credited as provided in paragraph (1).

''(B) On repayment of all amounts referred to in subsection (c), the fund established under this section shall be terminated and all moneys received under this Act shall be deposited in the general fund of the Treasury.''.

SEC. 5. ELIMINATION OF STOCKPILE.

Section 8 is amended to read as follows:

''SEC. 8. ELIMINATION OF STOCKPILE.

''(a) STOCKPILE SALES.—

''(1) COMMENCEMENT.—Not later than January 1, 2005, the Secretary shall commence offering for sale crude helium from helium reserves owned by the United States in such amounts as would be necessary to dispose of all such helium reserves in excess of 600,000,000 cubic feet on a straight-line basis between such date and January 1, 2015.

''(2) TIMES OF SALE.—The sales shall be at such times during each year and in such lots as the Secretary determines, in consultation with the helium industry, to be necessary to carry out this subsection with minimum market disruption.

''(3) PRICE.—The price for all sales under paragraph (1), as determined by the Secretary in consultation with the helium industry, shall be such price as will ensure repayment of the amounts required to be repaid to the Treasury under section 6(c).

''(b) DISCOVERY OF ADDITIONAL RESERVES.—The discovery of additional helium reserves shall not affect the duty of the Secretary to make sales of helium under subsection (a).''.

SEC. 6. REPEAL OF AUTHORITY TO BORROW.

Sections 12 and 15 are repealed.

SEC. 7. LAND CONVEYANCE IN POTTER COUNTY, TEXAS.

(a) IN GENERAL.—The Secretary of the Interior shall transfer all right, title, and interest of the United States in and to the parcel of land described in subsection (b) to the Texas Plains Girl Scout Council for consideration of $1, reserving to the United States such easements as may be necessary for pipeline rights-of-way.

(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is all those certain lots, tracts or parcels of land lying and being situated in the County of Potter and State of Texas, and being the East Three Hundred Thirty-One (E331) acres out of Section Seventy-eight (78) in Block Nine (9), B.S. & F. Survey, (some times known as the G.D. Landis pasture) Potter County, Texas, located by certificate No. 1/39 and evidenced by letters patents Nos. 411 and 412 issued by the State of Texas under date of November 23, 1937, and of record in Vol. 66A of the Patent Records of the State of Texas. The metes and bounds description of such lands is as follows:

(1) FIRST TRACT.—One Hundred Seventy-one (171) acres of land known as the North part of the East part of said survey Seventy-eight (78) aforesaid, described by metes and bounds as follows:

Beginning at a stone 20 x 12 x 3 inches marked X, set by W.D. Twichell in 1905, for the Northeast corner of this survey and the Northwest corner of Section 59;

Thence, South 0 degrees 12 minutes East with the West line of said Section 59, 999.4 varas to the Northeast corner of the South 160 acres of East half of Section 78;

Thence, North 89 degrees 47 minutes West with the North line of the South 150 acres of the East half, 956.8 varas to a point in the East line of the West half Section 78;

Thence, North 0 degrees 10 minutes West with the East line of the West half 999.4 varas to a stone 18 x 14 x 3 inches in the middle of the South line of Section 79;

Thence, South 89 degrees 47 minutes East 965 varas to the place of beginning.

(2) SECOND TRACT.—One Hundred Sixty (160) acres of land known as the South part of the East part of said survey No. Seventy-eight (78) described by metes and bounds as follows:

Beginning at the Southwest corner of Section 59, a stone marked X and a pile of stones; Thence, North 89 degrees 47 minutes West with the North line of Section 77, 966.5 varas to the Southeast corner of the West half of Section 78; Thence, North 0 degrees 10 minutes West with the East line of the West half of Section 78;

Thence, South 89 degrees 47 minutes East 965.8 varas to a point in the East line of Section 78;

Thence, South 0 degrees 12 minutes East 934.6 varas to the place of beginning.

Containing an area of 331 acres, more or less.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. ALLARD] and the gentleman from Hawaii [Mr. ABERCROMBIE] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. ALLARD].

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

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

Mr. ALLARD. Mr. Speaker, I rise today in support of H.R. 3008. This legislation demonstrates our commitment to put an end to bloated Government programs by shutting down an inefficient facility which has outlived its need and can't compete with the private sector. I thank my good friend and colleague, Mr. COX, for his tireless efforts to bring this important bill to the floor. To assure the fiscal responsibility for this closure, this legislation repeals the Secretary of the Interior's authority to borrow under the Helium Act and requires the Secretary to impose fees for helium storage, withdrawal, and transportation services.

Specifically this bill will:

Get the Federal Government out of the helium business, including sale of the stockpile, and shut down an inefficient helium refinery. Within 18 months, this bill will terminate the helium refining and marketing operations of the former U.S. Bureau of Mines at the Excell plant and the Amarillo plant. Additionally, all proceeds from the sale of these facilities and equipment will be returned to the Treasury. These funds will be applied toward reduction of the debt the Federal Government has incurred by purchasing crude helium for storage and refining since 1960.

Second, this bill ensures repayment of this debt. The total helium program debt shall be frozen at the current amount, which is approximately $1.4 billion. Future sales from the crude helium stockpile must be sold at a price determined by dividing this debt by the approximately 32 billion cubic feet of helium currently stored in the Cliffside Field. That value will be the minimum bid per thousand cubic feet for crude helium that the private distributors must pay to access this supply. Revenue received from the private sector as the result of crude helium sales will be returned to the Treasury to complete debt repayment.

And finally, this legislation protects our domestic helium industry from undue disruption by the Federal Government. By recognizing the current market surplus, the bill allows flexibility in commencement of the sale of the stockpile, so as to minimize market disruption. Sales may begin as late as 2005 but the bill requires that the stockpile be eliminated by 2015. Coincidentally, this is when many experts believe the current surplus of helium may no longer exist. Thus the Federal Government should receive a higher price for the commodity than the minimum established floor bid.

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

□ 1500

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

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

Mr. ABERCROMBIE. Mr. Speaker, I rise with regrets, acknowledging H.R. 3008, a bill to close the Federal helium program, will pass today. In these days of downsizing, it seems the time has come to terminate programs which appear to have outlived their usefulness like the Federal helium program.

I want to note that I say appear, Mr. Speaker. Since 1925, when the Defense Department believed that dirigibles or blimps would be an integral part of our national defense, the Federal Government has managed a helium program. Today the Federal helium program continues to serve the needs of major Federal users of helium such as NASA and DOE laboratories, who are required to purchase helium from the Bureau of Mines.

The Federal Government got involved in helium production at a time when there was no private helium production. Today, however, the private sector manufactures 90 percent of the world's helium. For this reason groups such as the National Taxpayers Union, the ''20/20'' TV program, the Interior Department inspector general, and the Heritage Foundation, an unlikely conglomeration, have called for its elimination.

H.R. 3008, like its predecessor, H.R. 3967 in the 103d Congress, enjoys bipartisan support. While I did not support termination of the program, I recognize after several years of consideration Congress is poised to resolve the question of the helium program by terminating it. But I remain concerned that we have not done enough to aid the 200-plus employees in Amarillo, TX, who will lose their livelihood as consequence of our decision.

The bill directs the Secretary of the Interior to sell off all the equipment, real property, refining facilities, and gradually sell off most of the crude helium currently stored in Amarillo, TX. Funds from the sale will be deposited in a helium fund established under the 1960 act, and will be available for various termination activities, including some employee benefits already authorized under law. Eventually the fund will be applied against the debt to reduce the deficit. This is, in any event, the hope.

During the committee consideration of this bill, I offered an amendment to provide employee benefits in addition to those authorized under existing law so that the 200-plus employees in Amarillo, many of whom have built their careers on this program, would get the same kind of additional education and job placement assistance that we gave defense employees working at bases that were closed. These are people, Mr. Speaker, men and women, who through no fault of their own find themselves working for a Federal program targeted for downsizing and in fact elimination.

My amendment would have given these people help in addition to what the Secretary has already authorized to provide, the same kind of help that we have provided, as I indicated, to many of the defense employees working at military bases scheduled for closure: job placement assistance, extended life and health insurance coverage, and the option to take an early retirement without penalty.

Sadly, my Republican colleagues on the committee could not be persuaded to provide this type of much-needed aid. During committee debate, my friend and colleague from California [Mr. CALVERT] argued that the Secretary already has the authority to provide these benefits. This is simply incorrect, Mr. Speaker.

My amendment would have added authority necessary to enable the Secretary to extend health and life insurance coverage for 3 years beyond an employee's termination. The Secretary does not have the ability to provide this assistance under current law. My amendment would have allowed Federal helium employees access to the enhanced early retirement option, and current law does not provide for this protection. My amendment would have given Federal helium employees hiring preference Government-wide, not just in the Amarillo area as is provided under existing law.

So, Mr. Speaker, my amendment failed. Even though I agreed with my good friend and colleague from Texas [Mr. THORNBERRY] that we did not need to terminate this program, I, and I believe he, could see that this bill would pass. So I tried to lessen the blow so that the helium workers might be able to find another Federal job, or if they served 20 years, they could take an early out and retire from civil service.

As of now, this is not to be, Mr. Speaker. These activities would have been paid from the existing helium account and would have cost relatively pennies, especially in comparison to the costs of unemployment benefits. The Congressional Budget Office said that my amendment would have had no budgetary effect.

It seemed only fair to offer this assistance to the innocent victims of our downsizing zeal, so that the employees who had nothing to do with the difficulties facing the program would not be left stranded by their Government. But my Republican colleagues could not see their way clear to help their fellow public servants in this instance, and so today I expect we will pass H.R. 3008 under suspension of the rules so we can praise ourselves for making Government smaller.

We could have done so, Mr. Speaker, in a much more humane and compassionate manner. I will ask the other

body to consider my amendment before we conclude the legislative process. Loyal workers in the helium program deserve no less.

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

Mr. ALLARD. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. CALVERT] and ask unanimous consent that he be permitted to control that time.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. CALVERT] will be recognized for 17 minutes, the balance of the time.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, I thank my colleague from California for his work on this legislation, and my other colleague from California [Mr. COX], and also the gentleman from Massachusetts [Mr. FRANK], for their work on this legislation for years. In a way it is kind of a shame to see this program come to an end because it takes away one of the great punch lines when talking about the Federal Government, because the national helium reserve has really been a laughingstock, I think, for several decades.

Looking all the way back to the early 1930's, the Federal Government got involved and continues to be involved in the operation of hydroelectric facilities, and I have to ask my constituents at home whether they think the Federal Government should be producing, marketing, and selling electric power these days, and they say no.

We continue to run and operate, believe it or not, a series of oil fields scattered around this country from California to Wyoming to Colorado, although it is with some hope in the budget agreement we just passed last week that we will be selling off, finally, some of those oil fields that have literally existed since the days that Teddy Roosevelt was President in order to guarantee the fact that our naval fleet would have an adequate supply of petroleum.

And here we are arguing, 70 years later, whether or not we need a helium reserve in order to do dirigible research in the United States. This is absolutely absurd. The private sector is capable of producing, marketing, and selling helium as it has been for the last several decades, and this is a project at this point, frankly, where we have run up about $40 million a year in losses on this program and we have an accumulated debt of nearly $1.5 billion.

This legislation in front of us today has both bipartisan support here in Congress and also is supported by the White House. It is supported by a number of taxpayer groups, including Citizens Against Government Waste and the National Taxpayers Union.

The reality today is that in 1996 it is clear that blimps have absolutely nothing to do with national security. They may have to do with some intriguing shots at the halftime of a Monday night football game, but I think they manage to do that without support from the Federal Government. The taxpayers, frankly, now are left with almost a $1.5 billion debt to pay off the cost of a reserve that has not really had any strategic interest for the last 70 years. Obviously, as well, there is an adequate supply of helium in the private sector.

I finally urge my colleagues to vote for this measure and thank the gentleman from California [Mr. CALVERT] and the rest of my colleagues for killing a program that frankly should have been killed 50 years ago.

Mr. ABERCROMBIE. Mr. Speaker, with the Chair's permission, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I thank my friend and I would say I admire him, but in the future I think when he is yielding to someone he better not ask their permission, because if they think they could deny it, they might.

Mr. ABERCROMBIE. Mr. Speaker, as the gentleman, I know.

Mr. FRANK of Massachusetts. I thank the ranking member for yielding me the time.

Mr. Speaker, I want to add my words in support of this bill. It is a lot easier, it turns out, for the Members on both sides of the House, Democratic and Republican and across the ideological spectrum, to abolish a program in principle than to abolish it in fact. We hear a great deal of talk about abolition but when we get to abolishing any specific program, it will have liberal and conservative defenders, it will have Democratic and Republican defenders.

This is one where we also fortunately have a bipartisan coalition for the abolition. The time has come, clearly, to abolish it. If we cannot at this point dispense with the helium reserve, the purpose of which is no longer valid, then we cannot undo anything.

Members who represent the area where it is involved, and they will be legitimately representing their interests, they will raise some objections. It is true that it would be a lot cleaner to do this if we never had a helium reserve in the first place. It is true that solutions to problems cannot be qualitatively more elegant than the problems themselves. When we have an entity, we have always some details to decide when we abolish it.

Nonetheless, abolition is clearly the sensible way to go, and I think the gentleman from California [Mr. COX], who has done so much work on this, has quite sensibly dealt with those problems. This is as reasonable an approach as we can get, with just one exception.

I heard the gentleman from Hawaii absolutely correctly pointing out that there are some innocent victims in this, and those are the people who went to work for the Government in the helium reserve. I agree with him completely, that they should be held harmless as much as possible. The package of proposals he outlined, especially since as he pointed out they have no budgetary impact, are entirely reasonable.

So I would join my friend from Hawaii in appealing to the Senate, when this bill goes to them, to add that kind of an amendment. In fact, as a cosponsor of the bill and as a supporter, I will join with him in urging them to act on that once we have done this.

I say that is important not just in this instance, but it is important if we are to go ahead with the kind of changes we ought to make. We have to show that we can economize with some compassion, that we can economize taking a longer look, but that we are not going to make hardworking individuals who did not make the particular policy choices bear an undue share of the burden. To the extent that we can give them equity while we go forward, I think we ought to. So therefore, as I said, I join the gentleman's amendment, and with that I also strongly support this legislation.

The gentleman from California [Mr. COX], who began calling the attention of this body to this, has as I said done a very good job of saying, look, we have this outdated program, a program which it does not make sense for the Federal Government to be involved in. One test we always have here is, if we were in fact starting a government today, would somebody come forward and say, ''Hey, I know what we need, we need an army, a navy, an air force, a Justice Department, a Treasury Department, and the helium reserve.'' I do not think that a helium reserve would make anybody's list of the things a government ought to be doing right now.

The question, then, is how do we phase it out sensibly? The gentleman from California's legislation does that. So I hope we pass this today, and I hope we can then persuade the Senate to take advantage of their greater rules flexibility, add the amendment the gentleman from Hawaii talked about, and send the whole thing to the President.

Mr. CALVERT. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from California, and I commend him for his efforts to terminate the national helium reserve and provide some relief for the American taxpayer. I think the American taxpayers will be very happy to receive the news.

I also want to congratulate my friend from California, Mr. COX, who has talked many years about this with me. I think that as a classmate of mine I

am very proud of his efforts in this as well. This is a long overdue action that I have included in my own annual list of spending cuts for 4 years running as an unjustifiable expense at the Government's level. It demonstrates that slowly but surely we are making progress in downsizing Government in this town despite resistance.

□ 1515

As this bill goes through the suspension process today with the support of almost all taxpayer watchdog organizations, we have got to ask a question: How did it take this long to get rid of this turkey? This is a fair question, especially given the fact that this idea was included in the Vice President's own reinventing Government plan.

Well, the answer it turns out is easy. Preservation of the program was used as a bargaining chip in 1993 by the White House, the Clinton White House, to ensure passage of the Clinton tax hike. You remember the tax hike, the biggest one in history, the one that Americans are feeling at the gas pumps today?

Well, under this deal, the taxpayer lost twice, with $250 billion in new taxes and through the continuation of this Federal boondoggle. Liberal Democrats got two bites, taxpayers got two hits. No more excuses, no more deals, it is time to end the Federal involvement in helium and get our fiscal house in order.

This was a national security issue. It is no longer. And it cannot be justified as a jobs program either. It needs to be put to rest.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself 1½ minutes, to say that the discussion in committee, at least with respect to the gentleman from Florida's last comments, was not about whether this was a jobs program. The question is whether the jobs that were being done could be dealt with in a manner consonant with the closure of this program that would do justice to our sense of compassion and understanding of the impact that it would have on those people who are now working.

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

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

Mr. GOSS. Mr. Speaker, I did not want to put words in the mouth of the gentleman from Hawaii. What I heard him say, I thought, was that we need to deal with the job dislocation in this matter. I think that is a fine sentiment. We have something called private enterprise in this country and opportunity that seems to work very well.

I would like to know if the gentleman wants to supplement that with some additional subsidy from the taxpayers for these workers, which is what I thought the intent of the gentleman's remarks were.

Mr. ABERCROMBIE. Mr. Speaker, reclaiming my time, if the gentleman was a bit more familiar with the fund that finances the helium project as it is presently undertaken, I think that that would not be a question.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. CREMEANS] who has been very helpful in this legislation.

Mr. CREMEANS. Mr. Speaker, I rise today in support of H.R. 3008, legislation to end the Federal Government's involvement in the helium business. Just as this Congress has done for the last 16 months, H.R. 3008 is another example of streamling Government and making it work for the taxpayers. I would like to thank Mr. COX, the sponsor of this bill, for his hard work and dedication in bringing the bill to the floor.

Since my election to Congress, a top priority of mine has been to shrink the Federal bureaucracy and make it work more effectively for the taxpayer. Cutting waste and unnecessary Government programs, such as the helium project, must be done if we are to balance the budget. That is why, last year I introduced H.R. 846, my own bill to end the Government Helium Program. I am pleased that this nearly identical bill has come before us for a vote today.

Getting Government out of the helium business makes sense for several reasons. First, it is responsible to taxpayers. In 1995 alone, increased debt on the helium program was about $38 million. This bill freezes the total program debt at the current amount, approximately $1.4 billion, and allows for the sale of the helium stockpile to the private sector.

In addition to being fiscally responsible, the bill also protects the private domestic helium market from disruption caused by selling the Government stockpile. Sales of the stockpile need not being for another decade, thereby ensuring time to absorb the helium into the market. This will help protect private domestic helium production jobs from any potential adverse effect of the sale.

Mr. Speaker, the Federal Helium Program's time has passed. The days of the Government, using taxpayer dollars, to compete against the private sector are over. It's time to stop producing a product we can buy cheaper from American companies. Selling off the Government reserve and returning the money to the Treasury is the right thing for the taxpayers and the domestic helium industry. This bill is long overdue.

I strongly support the legislation and urge my colleagues to do the same.

Mr. CALVERT. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. THORNBERRY].

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

Mr. THORNBERRY. Mr. Speaker, I appreciate the gentleman yielding me time, and I appreciate my subcommittee chairman's tolerance of hearing my views on this issue. I certainly appreciate the ranking member working with us on this issue as well. He is certainly one Member of this body that is willing to question and to look beyond maybe his preconceived ideas and has worked to make this bill a better bill. I certainly appreciate his efforts in that regard.

Mr. Speaker, there is a legitimate question about whether the Federal Government ought to be in the helium business or not. I think we are beyond that. I think that this body has decided the Federal Government will get out of the helium business. But just to show my colleagues that it is not a completely one-sided issue, I will insert a couple of articles, one from the New York Times, one from the Washington Post, talking about the importance of this strategic material to defense, to our space program, to medical research, and the rest.

But I want to go beyond that. The decision has been made to get the Federal Government out of the helium business, so we ought to do it in the best way possible. I am going to vote no on this bill today because I think one of the key flaws in this bill is that it prevents the Federal helium assets from being privatized.

Now, the text of the bill says that it is OK, it will be put up for sale and somebody can buy this stuff. But as a practical matter, the formula in the bill makes it economically impossible for any company, whether it is an individual in Amarillo, TX or Exxon, from buying any of the helium that is stored in the ground. The formula in this bill has the price of helium about 25 to 48 percent above the current market price. Now, if somebody wants to spend that much more, they can do it. But I suggest that there is nobody who will do that.

So what we have are some folks in my district who might be interested in buying the refinery and buying some of the helium and competing in the market, who are essentially shut out from doing that because the formula is skewed to prevent somebody from doing it.

I have other constituents interested in buying some of the helium and building perhaps even a new refinery and to refine some of the natural gas out of it. They are shut out because of this formula.

So as we move to the other body, I suggest that one of the key improvements that must be made in this bill is looking at the formula by which the Government sells the helium that is in the ground.

As a matter of fact, not only does this prevent us from privatizing the operations, as we are doing in so many other cases in this body; it also prevents us from accruing the real savings that are being advertised by this bill. One of the projections by OMB showed that at least $43.9 million of the saving

accrued by this bill would come as a result of the sale of helium that is in the stockpile and in the ground.

If it is priced 25 to 48 percent above the market, not only can it not be privatized, the taxpayers will not see the benefit of that $44 million that they are supposed to get, because it is priced far above where it should be.

In committee I offered a substitute that was very much closer to the administration's plan to end the helium program. It would have provided that the Secretary could sell some of the helium at market price within his discretion so there is not a disruption in the market. But I think it would make far more sense to do so that way. It would enable some of the helium workers to perhaps even get a job at a new privatized helium plant. Yet this bill prevents that from happening.

Mr. Speaker, I do not know, this has been around so long, I am not sure if we are really interested in doing this thing the right way for the right reasons. It is an easy program to make fun of. It is an essential program in many ways. But I suggest that if we are going to do it the right way and if we are going to do the right thing by the workers and by the country, then major revisions need to take place in this bill with a formula, as well as the way the workers are treated. We all ought to strive to not just make the Government smaller, but smarter. In that effort I will be voting no on this bill today.

Mr. Speaker, I include for the RECORD the articles referred to.

[From the Washington Post, Dec. 18, 1995]

U.S. HELIUM RESERVE FINDS A CHAMPION

(By Curt Suplee)

The venerable National Helium Reserve—32 billion cubic feet of the stuff, stored beneath the Texas Panhandle—has become the federal government equivalent of laughing gas. Marked for extinction in the Republican budget plan, the 70-year-old stockpile program has been travestied on Capitol Hill and in the news media as ''a symbol for obsolete federal ventures,'' ''the government-waste poster child'' and ''amazingly stupid even by government standards.''

But to many scientists, it's no laughing matter. Earth's tiny supply of helium is ''finite and irreplaceable,'' the American Physical Society (APS) warns in a strongly worded new statement, and doing away with it could prompt a national catastrophe. When present reserves are exhausted, the world's leading organization of physicists argues, there will be no economically feasible way to replace them.

That might not matter much if helium were used only for levitating blimps or filling birthday balloons. But it has become one of the most important materials in modern science. The physicists are worried that if it's left up to private industry to extract it from natural gas (the main source), much of the nation's helium simply will go up in smoke.

Liquid helium has the lowest boiling point of any substance and is essential to the production of practical superconductors—materials that have no resistance to electricity—and devices that rely on them. That includes a wide range of cutting-edge technologies such as medical MRI scanners, ultra-sensitive diagnostic detectors, weapon-guidance and astronomical systems, particle accelerators, magnetically levitated trains and resistance-free power lines.

Moreover, helium is as close to chemically inert as elements get and thus is crucial to operations in which chemical reactions could be destructive, including pressurizing space shuttle tanks (NASA is NHR's biggest customer), welding such reactive metals as aluminum and forming delicate silicon crystals.

Yet there is strong bipartisan support for selling off the federal reserves—housed in underground facilities near Amarillo, Tex.—on the private market over the next 20 years to raise an estimated $1 billion or more for the treasury.

In his last State of the Union address, President Clinton cited the National Helium Reserve as one of ''over 100 programs we do not need.'' The Republican budget reconciliation bill vetoed by Clinton earlier this month called for a shutdown of the NHR's helium-extraction activities (which make up about 10 percent of U.S. production) and gradual sale of its inventory between 2005 and 2015. The revised balanced-budget plan Republicans are proposing contains the same provisions.

That leaves the program, which originated in 1925 to ensure ample gas supplies for ''national security'' uses such as dirigible inflation, with no visible means of support—except for the physicists, who have taken their case to the Office of Science and Technology Policy in hopes of emphasizing that helium is not a renewable resource.

The only commercially viable source is natural gas, some deposits of which contain as much as 0.3 percent helium. Such ''helium-rich'' fields exist only in the United States and, to a minor extent, in Canada. If helium is not extracted from the fuel before the gas is burned, it disappears irretrievably into the atmosphere. Some 3.2 billion cubic feet per year—approximately the same amount that is commercially extracted—is lost this way, the APS estimates.

(Theoretically, helium could be recaptured from the air, where it makes up about five ten-thousandths of 1 percent by volume. But the cost would be astronomical. Recovering even 3.2 billion cubic feet—about one year's domestic production—would require 5 percent of the annual U.S. energy consumption, according to the APS analysis.)

There are only a couple of deposits in the United States that are particularly rich in helium, said Charlotte LeGates, a spokeswoman for the Natural Gas Supply Association, who estimates that those resources probably will be exhausted ''60 or 70 years from now.'' But that situation she said, has nothing to do with whether the federal government remains in the helium business or not. She said the current budget legislation simply aims ''to turn government stockpiling—which is sort of nonsense—into an orderly private market.''

A spokesman for Rep. Christopher Cox (R-Calif.), who introduced the National Helium Privatization Act of 1995 that both houses of Congress incorporated into the budget bill, agreed. ''The private sector is well situated to fill the need,'' said Vincent Sollitto. ''We are extremely confident that there's going to be plenty of helium in this country.''

This is plausible in view of the fact that demand for U.S.-produced helium has nearly doubled since 1985, according to the Department of Interior.

But the APS is skeptical. The physicists are not opposed to privatization of the NHR. ''It will little matter to future generations whether the helium they use was extracted and stored by the government or by private industry,'' said APS spokesman Robert Park of the University of Maryland. ''But it cannot be assumed that private industry, motivated by short-term profits, will decide to extract more helium than there is an immediate market for. Any helium that is not extracted will be lost forever as the natural gas is burned. Some incentive or requirement to store it must be in place.''

For years, that incentive was the Helium Act of 1960, in which Congress authorized the NHR—operated by the Interior Department's Bureau of Mines—to make purchases of the gas and store it. The government is uniquely positioned to do so, because 64.2 percent of ''helium-rich'' gas resources are on federal land, according to the Bureau of Mines. The purchases were halted in 1973, and the size of the reserve has changed little since then.

The program's financial situation, however, has changed drastically. Because it was launched with a congressionally mandated $252 million loan from the Treasury and has paid back little of its debt, the National Helium Reserve ''owes'' the federal government about $1.4 billion, most of which is compound interest accrued in the past 35 years. It is this obligation that the sale of the reserves is intended to pay off. And it is this ostensible debt that Cox spoke of in October when he said that the NHR is ''continuing to lose tens of millions of dollars a year.''

The APS disputes the logic of such reasoning. ''From the viewpoint of the U.S. government's net worth,'' the group's statement says, ''regarding this $1.4 billion as a 'debt' . . . is purely illusory. . . . Any transfer of funds from one government agency to another neither reduces the Treasury's national debt nor increases the budget deficit by a single penny.''

Besides, said Park of the APS, if money is the principal issue, helium is likely to appreciate in value at least as much as any other government-held asset over the next few decades. ''It's a good investment over the long term,'' he said. ''It makes far more sense than storing gold at Fort Knox.''

[From the New York Times, Feb. 6, 1996]

HELIUM WILL NOT FILL THE DEMANDS OF THE FUTURE, PHYSICISTS CAUTION

(By Malcolm W. Browne)

In the century since it was discovered as a trace ingredient of the uranium mineral clevite, helium, the second lightest of all elements, has become indispensable to science and technology. Scientists believe it could play a vital role in helping the world through future energy shortages.

But as Congress and the White House move to end Government participation in helium conservation, the American Physical Society, a professional society of physicists, warns that the most economically exploited source of this nonrenewable substance will be depleted in 21 years unless steps are taken to halt a growing helium hemorrhage.

THe society calculates that although American producers recover about 3.3 billion cubic feet of helium from natural gas each year, another 3.2 billion cubic feet are thrown away because gas companies lack financial incentives to separate, refine and store it. The Federal Government operates a combined stockpile, and buffer stock, into which commercial producers deposit helium when demand is low, for later withdrawal if necessary. Critics contend that Government involvement is unnecessary and interferes with the market's ability to match supply with demand.

A world shortage of helium a generation from now could obstruct the development of superconducting power lines, motors, generators, electricity storage systems, magnetically levltated trains and many applications not yet even imagined, the American Physical Society says. Helium is not only irreplaceable; It can also do things that no other substance can even approximate.

Helium is commercially recovered from certain natural gas reservoirs, mainly in the United States. Because it is a noninflammable gas with nearly as much lifting power as inflammable hydrogen, it was prized by airship builders and users following World War I, a conflict in which hydrogen-filled Zepplin bombers had proved to be deathtraps. After the war, the United States banned the export of helium to deprive potential enemies of fire-resistant airships, and later created a strategic helium stockpile, a reserve that now contains 32 billion cubic feet.

But dirigible airships are no longer regarded as strategically important weapons and, in any case, many lawmakers opposes the continued maintenance of any Federal stockpiles. One of the present targets of Congress is the national helium stockpile, as well as Federal participation in the extraction of the gas.

In December, the American Physical Society deplored the projected liquidation of Government helium reserves and reported that 3.2 billion cubic feet of helium are being dumped into the atmosphere each year and are forever lost. Unless the Government creates economic incentives to private industry for extracting and storing the otherwise wasted helium, one of the world's most valuable resources will be squandered at incalculable cost to future generations, the group said.

''The present world growth rate in demand for helium is about 10 percent per year,'' the society's report said. ''A simple calculation shows that if that rate were to continue, and if helium production could keep up with the demand, United States helium-rich reserves would be exhausted in only 21 years.''

The United States has large reserves of helium mixed with natural methane in the gas fields of Texas, Wyoming and a few other states. America is virtually the world's only source of natural gas containing 0.3 percent or more or helium. In Russia and Poland, two of the other main sources of helium, natural gas generally contains 0.1 percent or less of helium, and such a lean mixture is much more expensive to separate, said Dr. Robert L. Park of the University of Maryland, spokesman for the physicists' society.

Helium is separated from the natural gas with which it is mixed either by adsorbing the natural gas in charcoal or other materials, or by compressing and cooling the methane and other gases until all but the helium are liquefied. Helium, which remains a gas unless it is chilled to minus 452 degrees Fahrenheit, is then pumped off.

The main obstacle to extracting and storing helium, experts agree, is the mismatch in market demands for natural fuel gas and helium. When demand for natural gas is heavy, as is normally the case in winter, large amounts of helium are withdrawn from gas wells along with the natural gas, but if there is little commercial demand for helium at that point, there is no economic incentive to extract and save it, said Dr. Park. Gas companies then generally avoid the expense of separating the helium, which consequently remains mixed with the natural gas and is lost when the gas is burned.

Congress has decreed the demise of the Bureau of Mines, and has ordered the shutdown of the bureau's helium separation plant near Amarillo, Tex. which produces about 10 percent of the nation's helium. (The rest is produced by commercial gas companies: Praxair Inc. of Danbury, Conn; the BOC Group, a British company with American headquarters in Murray Hill, N.J.; Air Products and Chemicals Inc. of Allentown, Pa., and the Exxon Corporation are among the main producers.) In his State of the Union address last year, President Clinton also proposed closing down the Government's helium reserve program, including the closing of the Cliffside Dome storage well—a depleted natural gas cavern near Amarillo—which contains the national helium stockpile.

The Cliffside Dome, which is about one-third full, is connected by pipelines to other helium-rich gas fields, and when supplies of the extracted gas exceed demand. Cliffside serves as an overrun storage site, from which helium can be later drawn.

Even defenders of the maintenance of a helium stockpile acknowledge that the Bureau of Mines's Exell helium refining plant near the Cliffside Dome is outdated, Inefficient and expensive, and they say it holds an unfair financial advantage over private competitors. All Government agencies that buy helium must by law purchase it from the Bureau of Mines, which sells the gas at $55 per thousand cubic feet nearly 10 percent more than the price offered by commercial suppliers.

The bureau's helium operation, moreover, is heavily in debt. But the debt of $1.4 billion is misleading, said Dr. Philip C. Tully, a helium expert at the Bureau of Mines.

''Most of that money consists of interest we supposedly owe the Treasury Department for the $252 million they advanced to us to create the strategic helium reserve,'' Dr. Tully said in an interview. ''It's just one Government agency in debt to another Government agency—a paper debt—and Congress could wipe it out with the stroke of a pen, at no cost to taxpayers.''

But neither the Bureau of Mines nor helium conservation has many friends in Congress.

A key sponsor of legislation to end all Federal helium programs is Representative Christopher Cox, a California Republican, who believes the fears expressed by the American Physical Society are groundless.

''No matter who gains title to the helium in the Federal stockpile, the helium will still exist,'' Mr. Cox said in an interview. ''It won't be wasted. The only real risk is that the Government might sell if off quickly to get cash to reduce the deficit. That's misleading accounting practice. But we are contemplating a gradual transfer of ownership, taking half a lifetime.''

Market demand will determine how much helium commercial producers extract from the natural gas they sell, and as supplies of helium decrease, Mr. Cox believes, higher prices will create incentives to extract more helium. ''The gas companies are already extracting 90 percent of the helium produced in this country, and they will certainly continue,'' Mr. Cox said.

Dr. Park says the American Physical Society takes no position as to whether helium conservation should be the responsibility of Government or of private companies. ''Our grandchildren aren't going to give a damn who saves the world's richest supply of helium, as long as someone does it, and does it before supplies run out,'' he said. ''Surely, our politicians should be able to devise some incentive system to encourage private industry to save the helium. Congress has created lots of incentives for other purposes.''

But Mr. Cox rejects this approach, saying that ''Government tinkering with future price structures would be very dangerous.''

Helium was first discovered in the sun, not on earth. In 1868 while observing a solar eclipse, a French astronomer, Pierre Janssen, detected lines in the sun's light spectrum that did not match those of any known element. The presumed new element was dubbed helium after the Greek word for sun: hellos. In 1885, helium was discovered to exit on earth as well. Helium is now known to be the second most abundant element in the universe, after hydrogen. But when it escapes from underground caverns where it has collected over the eons chiefly as a decay product of radioactive minerals, it mixes with air, rises into the atmosphere and is lost.

Although American airships and balloons—both the full-size versions and small weather balloons—are still inflated with helium, that use of the gas accounts for only about 10 percent of its consumption. (The toy balloons popular at parties and political rallies consume such trivial amounts of helium that conservation advocates say they represent no significant drain.) Major American uses of helium are for purging and pressurizing the fuel tanks of NASA and Defense Department spacecraft, for high-temperature welding and in cryogenic applications like the magnetic resonance imaging machines used by hospitals.

About one-third of America's annual helium production is exported to foreign users, and foreign demand is increasing steadily.

Helium has special importance to scientists because its physical properties are unique among all the other 100-odd elements. It is the only element that remains liquid at even a tiny fraction of a degree above absolute zero, which is equivalent to minus 459.67 Fahrenheit. Liquid helium cannot freeze solid, no matter how close to the absolute zero it is chilled.

Because it remains liquid at ultra-low temperatures, liquid helium is vital as a medium for chilling mercury, arsenic, niobium and other elements to temperatures at which they lose all resistance to electricity, becoming superconductors.

Although various compounds based on copper oxide become superconductors at much higher temperatures, warmer than that of liquid nitrogen (minus 320.4 degrees Fahrenheit), these compounds are difficult to incorporate into useful implements, and so far, their use has been limited.

Among the major users of liquid helium for chilling superconductors are the huge accelerator laboratories studying nature's fundamental particles. The Fermilab Tevatron accelerator at Batavia, III., is a four-mile ring of superconducting magnets, all of them continuously cooled by liquid helium. Fermilab operates the world's largest liquid-helium refrigeration plant, but it will soon take second place to a project under construction near Geneva.

On a smaller scale, astronomers are heavily dependent on liquid helium for cooling infrared and microwave sensors in their telescopes. Such sensors must be chilled to eliminate the heat ''noise'' that otherwise masks the faint heat signals from distant celestial objects.

''Sooner or later we're going to have to start husbanding our helium,'' Dr. Park said. ''If we do it now, we can save the helium-rich supply before it goes up the chimney. If we wait, we'll still need helium, but it will be vastly more expensive to separate from helium-poor gas supplies. Have we the right to mortgage our future?''

Mr. CALVERT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, I am rising as a scientist to speak about the importance of helium in scientific research. I find that most Americans believe that it is simply used to fill balloons to be distributed at parties or other festivities.

I want to point out it is extremely important that we maintain a reserve of helium for use in scientific research. It is the only element that can be used to come close to absolute zero in low

temperature work. It has some amazing superfluid properties which are still being uncovered, and, all and all, it is a vital component of our research program in the United States.

I do not rise to oppose the bill. I simply want to state my main objective here is to ensure that we continue to have an adequate supply of helium for the future, particularly so that our children and grandchildren will be able to carry on this important research.

I believe this bill has sufficient provisions to ensure that the reserve will be maintained in some fashion, but I want to assure the entire Congress that it is very important we keep an eye on this in the future and continue to maintain a reserve, whether it be in private hands or Federal hands.

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

Mr. Speaker, the gentleman from Texas has made a good point concerning whether or not in terminating the program there will be genuine competition take place or whether there will be privatization under circumstances, to wit, a formula that inhibits competition.

At the same time, there are questions with respect to conservation and the interests of the Nation with respect to the helium reserve. My own inclination is to be sympathetic to the gentleman from Texas' commentary. However, I realize that the gentleman, who has been in the forefront of bringing this legislation to the floor, may have another view or perhaps an additional observation to make with respect to the conservation aspect.

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

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

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding to me. I also appreciate the opportunity to address the very good points that have been raised. While Dave Berry has made fun of the National Helium Reserve, and while P.J. O'Rourke called it a program that is amazingly stupid, even by Government standards, and while most people when they think of helium think of party balloons, the truth is that there is a very real and important high-tech application for helium.

It is irreplaceable in many high-tech applications, and it is very important to our high-tech economy that we do our utmost to conserve what is a very finite and limited resource.

Every time you make a long distance phone call, you are using helium, because the fiberoptics that carry your voice are manufactured with its aid. If you ever had an MRI, you know of the uses of helium in superconducting, because it is the cryogenic properties of liquid helium that make possible the high magnetic fields used in magnetic resonance imaging. Deep sea divers do not get the bends because of developments in oxygen and helium mixtures.

All of these and other uses of helium, even the Federal Government's own uses at NASA and the Department of Defense, are high-technology, and are examples of just how important it is to us today, as it was not in the 1920's when this program was started, to conserve all of the helium that we can.

We cannot forget that we manufacture helium as a byproduct of natural gas. When we produce that natural gas, it is important that the cost of extracting the helium is not such that we cannot make it economic to do so. We do not want to vent the helium into the atmosphere.

So this bill achieves that conservation objective by actually making it more likely people will invest their funds, private funds, into recovering helium at the wellhead.

Selling helium below the cost of extraction, which is what we would be doing without the formula in this bill, is obviously antithetical to the goal of conservation. So what the bill says is that the $1.4 billion debt to taxpayers must be recovered through the sale of the 34 billion cubic feet of helium that we now have stored underground in Texas.

Mr. ABERCROMBIE. Mr. Speaker, reclaiming my time, I do not think that we would resolve that particular dispute today. Suffice to say that Mr. THORNBERRY has raised the issue as to whether the formula is so exact in this bill that it needs no further consideration, and I think his contention is that it should receive at least another good look before it passes into a final form to be presented to the President for signature.

□ 1530

I think that, at a minimum, we deserve at least another look and I think that that opportunity exists in the other body.

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

Mr. ABERCROMBIE. Mr. Speaker, with respect to that, I want to thank the gentleman from California [Mr. CALVERT] for his usual courtesy and kind attention toward our efforts in the minority, and I thank the gentleman from California [Mr. COX] for his remarks today.

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

Mr. CALVERT. Mr. Speaker, I want to thank the gentleman from Hawaii for his courtesy through all of this debate.

Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. COX] who has really fought this battle to end the helium program once and for all, and hopefully, this time, will succeed.

(Mr. COX of California asked and was given permission to revise and extend his remarks).

Mr. COX of California. Mr. Speaker, we have actually passed this bill already once in the House and in the Senate. Unfortunately the legislation to privatize the national helium reserve was then included in the larger Balanced Budget Act that was vetoed by President Clinton. This time we are wisely passing the bill all by itself because it is, I think, enormously popular on both the Democrat and Republican sides after many, many years of hard work to get it that far.

I want to thank my colleague, the gentleman from Hawaii [Mr. ABERCROMBIE] for his work in helping us move this bill to the floor, as well as my colleague from California, who is, as chairman, responsible for bringing this bill directly to the floor.

I would also like to thank my colleague, the gentleman from Massachusetts, BARNEY FRANK, who spoke earlier on this legislation. He and I coauthored it in not only the current Congress but past Congresses. It has been many, many years that we have been working on this bill.

I am also grateful to my colleague from Nevada, Congresswoman, BARBARA VUCANOVICH, a member of the House Republican leadership; to the gentleman from Alaska, chairman DON YOUNG; and to the gentleman from Ohio, Congressman FRANK CREMEANS, who along with the gentleman from California, KEN CALVERT, who we just heard speak on this bill, they in particular have worked tirelessly on this legislation in the Committee on Resources, to make sure that what may now look very easy and completely agreeable to almost all sides could actually happen.

I would also like to thank Chris Kearney, Bill Condit, and Sharla Bickley of the Committee on Resources' staff who have done yeomen's work on this issue and whose efforts deserve recognition.

To recap. The helium program was begun in the 1920's for a good reason. At the time there was no private industry of helium production but there was a national security need to field a fleet of blimps in time of war. Fixed wing and rotary wing aircraft have now replaced the blimp in our national defense and, as I mentioned earlier, it is now the high-tech commercial and scientific uses for helium that dominate.

Today, because of all of those commercial uses, there is a thriving commercial industry in helium that supplies 90 percent of the world's needs from right here in the good old USA. There is no reason whatever that the Government of the United States should uniquely supply its own needs of this commodity when it does not for any other, even strategic metals and commodities and resources.

So this bill will do two things. It will, first, sell off and liquidate those physical assets of the Government facility in Texas; privatize them, if you will, immediately; and, second, over a 19-year period, sell off the 34 billion cubic feet of stored underground helium, not for immediate use, for continued conservation and eventual sale over who knows how many decades or

perhaps centuries, to the private industry. So that, privately, suppliers will then own that helium.

But keep in mind, for those of us who are physicists, not I, but certainly the gentleman who spoke before me, keep in mind the law, the fundamental law of the conservation of matter. Just because we change title, just because we change ownership from the Federal Government to private hands does not mean that the helium will not still be there. It will be there. In fact, more of it will be there because of the incentives for increased helium recovery a the wellhead created by this legislation.

The Helium Privatization Act of 1996 will do a few more things that we can all applaud. It will require the production of honest financial statements for this Government enterprise in the short run so that we know finally just how much it is costing us. We know the operation is $1.4 billion in debt to the taxpayers right now and loses tens of millions each year because of that interest burden that it has never been able to meet. But we do not know to a certainty what the operations cost; and we shall, as a result of the passage of this bill.

In addition, we will ensure that the debt, that $1.4 billion debt to taxpayers, is recovered. That is the ultimate object of this legislation. The taxpayers hold the mortgage on the debt and now, by relying on the security of the underground stored helium, the taxpayers will get their money back.

Mr. Speaker, in conclusion, I am delighted that the leadership of this Congress has made passage of the Helium Privatization Act a priority, and I urge my colleagues on both sides of the aisle to join with me and the bipartisan leadership you have heard speak on this bill in supporting this important measure. It is high time we finally retire this expensive waste of taxpayers' money.

Mr. Speaker, several weeks ago articles in the New York Times and the Washington Post reported that concerns about U.R. 3008 had been raised by the American Physical Society. In fact, APS has not taken a position on the legislation. Moreover, the background paper prepared by APS was premised on the mistaken notion that by ''privatization'' of the helium reserve, the bill meant immediate sale of the stockpile. That is obviously not the case. To the contrary, many physicists (and APS members) have announced support for the bill. The following letter explains many of the problems with the original, now outdated, APS statement:

ARTHUR W. FRANCIS CONSULTING,
New York, NY, January 12, 1996.

American Physical Society,
Washington, DC.

DEAR SIRS: This letter to each member of the Council of American Physical Society (CoAPS) is sent out of concern for your 11/19/95 statement CONSERVATION OF HELIUM and its background paper. As a cryogenic engineer, business manager, and consultant for 45 years in supply and use of helium, and a very early and continuous supporter of helium conservation, I was appalled by the CoAPS statement. The fear of complete loss of helium in 20 to 25 years is understandable, but it is somewhat naive. It indicates a serious lack of understanding of events of the past fifteen years that have led Congress to undertake its first effective revision of the Helium Act of 1960.

I am writing you in hopes that you and your colleagues will reconsider your position and recognize the helium reform provision of the Budget Reconciliation Bill as a step toward optimum use of helium. It is important that you and other scientists realize that this legislation promotes use of otherwise wasting helium sources and does not threaten premature use of the government owned stored helium. It was arrived at with full knowledge of the importance of a wide variety of helium dependent technologies for science as well as the general welfare.

My credentials on this subject are these: I was Linde's principal investigator in its 1951 discovery of alternate layer super-insulations, created the basic design of all standard multi-shield vapor cooled liquid helium dewars, and was chief architect of the system of bulk liquid helium transport that now spans the globe. My baptism of fire in support of helium conservation was program chairman of a technical session of the Bureau of Mines sponsored ''Helium Centennial'' of 1968. Along with Dr. Ed Hammel, I wrote and spoke many times in support of helium conservation during the dark days of the 1970's.

As an expert witness I participated in the decades long litigation regarding the value of helium in natural gas and the rights of land owners and gas producers to a proper share of that value. I have continued my interest in conservation through my retirement years, attending hearings and giving advice to interested parties as the present legislation developed. I remain involved in helium supply problems as a consultant to the United States Antarctic Program, regarding liquid helium supply to Astrophysics at the South Pole. I am scheduled to make my seventh trip there next week.

The Background Paper, on which the CoAPS statement is based, contains many errors. The most critical of these is the seemingly innocuous statement that, ''Some 10% of the total U.S. helium extraction presently is performed by the Bureau of Mines''. This is completely false, as is also, ''the helium stored in Cliffside (field) has remained approximately constant at 32 Bcf''. In fact, all of the helium purified by the Bureau since 1980 has come from the Cliffside storage field, and the government owned helium in the field has been drawn down by nearly five billion cubic feet (5 Bcf) in the process. These actions have been the result of a bureaucratic policy directly at odds with the letter and spirit of the 1960 Act. The intent has been to ensure continuance of the bureaucrats' own jobs.

LEGISLATION OBJECTIVE

The prime objective of the current legislation is to eliminate the wasteful and unnecessary government helium refining activity. Private producers are able to provide this service with less than one fifth the personnel and at substantially lower cost. CoAPS says ''there is no objection to this feature of the Act''. Yet for ten years the sweet voice of reason had not been able to move this deeply entrenched anti-conservation cabal. What has brought us to bi-partisan support of both houses of Congress is right minded public ridicule. The caricature of conservation so presented has even moved the White House to support elimination of the Bureau of Mines refining operation.

DEBT IS REAL

CoAPS also errs in stating that the so called debt incurred to purchase helium ''is purely illusory, any transfer of funds from one government agency to another neither reduces the national debt nor increases the deficit by a single penny''.

Also at odds with the facts is the assertion that, ''the helium issue is muddled by claims that the sale is required to pay off the $1.4 Billion debt''. CoAPS has fallen for the bureaucrats' sham that the debt is internal to the government and has no intrinsic meaning. In fact, money to acquire helium for government storage was borrowed from world money markets by the Treasury. The 1960 Congress intended, and the Helium Act stated, that government helium was to be priced to repay borrowed funds, including compound interest. This was done to insure that stored helium would be priced high enough to avoid interference with helium extracted from current natural gas production.

ANTI-CONSERVATION POLICY

In spite of this clear directive, the Bureau helium management established a policy in 1979 in which the selling price would be held down so that as general inflation raised prices charged by private producers, the Bureau would sell below the market price. The managers claimed that as long as current costs were covered, it wasn't necessary to repay the purchase price and its associated interest because the debt was simply a paper transaction between two government departments.

Pricing stored helium below the cost of extraction from natural gas produced for its fuel value is obviously contrary to conservation. The present legislation language is another attempt to insure that stored helium will command a price above the market for current extraction. The legislation places emphasis on retiring the debt because that is what motivates those interested in reducing the deficit. Simply to state that helium from storage must be priced above the market from current extraction doesn't win votes at this time. The ultimate effect will be the same, as long as the price is right.

COST OF SAVING MORE HELIUM WOULD BE HIGH

CoAPS is correct in stating that the legislation makes no provision for saving helium that is now being wasted from currently produced natural gas. However, the potential for significant additional helium recovery is much smaller, and the cost of that recovery much larger, two to three times current costs, than implied by CoAPS statement.

The reason for this is that the favorable streams are already being produced. Each of the original five conservation plants is extracting as much helium as possible from the gas available. In addition three new plants extracting from Hugoton field have come on stream since 1990. With all these plants extracting helium in 1994 the total U.S. output exceeded 4.1 Bcf, about 90% of the peak year 1967, although the output of high helium content natural gas was less than 70% of the 1967 rate. The remaining unprocessed streams tend to be smaller, depleting faster, and removed from the existing infrastructure.

CONSUMPTION GROWTH IS SLOWING

CoAPS warns that ''present growth rate in demand for helium is about 10% per year'' which projected would exhaust U.S. helium rich reserves in 21 years. Alternatively, even without increasing helium demand the loss of unextracted helium from natural gas fuel demand would deplete U.S. gas fields in about the same time frame. In fact, sales growth began to fade in 1990, and since 1992 has leveled at 3.314 Bcf (Fy 1992), 3.313 (Fy 93), and 3.280 for (Fy 1994). This abrupt halt to the 10% growth rate has come from a combination of foreign production displacing some U.S. exports and increased user efficiency.

FOREIGN HELIUM SOURCES ARE SIGNIFICANT

CoAPS assert that ''helium rich fields are found only in the U.S. and to a small extent in Canada'', yet large scale foreign plants are producing in Poland, Russia, and Algeria with total capacity exceeding one billion cubic feet per year, about 25% of current U.S. capacity. Smaller plants have operated in Canada, Holland, France, China and India.

RELIQUEFACTION AND REPURIFICATION INCREASE USE EFFICIENCY

More important even than this large foreign supply is the growing user concern for efficiency. Once through then out (OTTO) use of purchased helium is being replaced by closed loops using reliquefiers and repurifiers. This allows application of helium dependent technology to expand without consuming more helium. Research in high temperature superconductivity shows promise of taking over much of today's low temperature superconducting applications.

HELIUM WILL BE PLENTIFUL LONGER

To sell the 1960 program, the Bureau of Mines predicted that helium could not be extracted from the Hugoton-Panhandle fields beyond 1985. Yet ten years later production remains at a high level and is now predicted to continue at least another ten to fifteen years. Natural gas has been produced from these fields throughout the past seventy five years, yet nearly every year there are additions to the remaining measured reserves that tend to delay the eventual abandonment. The Bureau of Mines information circular ''Helium Resources of the United States, 1973'' reported that 109.3 Bcf of helium @ >0.3% concentration was contained in the fifty year old, depleting natural gas fields of Kansas, Oklahoma, and Texas. From 1973 to 1987, these fields produced natural gas containing 81.8 Bcf helium. However, in the 1987 circular, the Bureau reported that 73.4 Bcf remained in the proved reserves of those fields. There had been enough upward revision of the proved gas reserves to add over 50 Bcf of contained helium >0.3%. Between 1987 and 1989 gas production contained 9 Bcf helium, but reserve revisions added 11 Bcf. In the next two years gas production contained 10 Bcf and revisions added 9 Bcf. As of 1991, the latest available publication in this series, these old fields, after producing about 102 Bcf, still held about 80 Bcf of proved reserves for future use. Further additions are still possible, even probable. The resource is never the less finite, but the finite limit has not yet been identified.

ALL GAS FROM LARGEST RESERVES IS PROCESSED FOR HELIUM

Regarding helium loss in non-processed gas it is important to recognize that all of the gas from the Riley Ridge field in Wyoming (proved reserves of about 120 Bcf) is processed for helium extraction. This field, which supplies about one third of current pure helium sales, is being produced at a rate of only one per cent of its proved reserves per year. It is unlikely that this production rate will increase until the price of natural gas increases significantly. At current fuel prices, it is not possible to obtain an acceptable return on the huge investment required to upgrade this low Btu gas to pipeline quality. It may be decades before fuel demand reaches price levels that will encourage new processing capacity. Riley Ridge is likely to produce helium throughout most of the 21st century.

NONDEPLETING FIELDS CAN PROVIDE FOR VERY DISTANT FUTURE

Beyond this, it is possible that a significant helium supply could be obtained from the proven gas fields that are not producing at all. The hydrocarbon fuel value of this gas is so low that it would barely provide energy for the processing plant. The Bureau of Mines has identified 85 billion cubic feet of helium in these non depleting sources, more than half of this is already owned by the United States government. Extracting helium as a primary rather than by-product will be expensive. However, the concentration is three orders of magnitude greater than in air, so it won't require even 0.1% of the nation's energy consumption. This helium source may well be available into the 22nd century.

It is futile to make any more detailed predictions for such distant future times. Nearly every prediction that far into the future is bound to fail because we cannot even surmise what human society will be like in even very gross measures. It is entirely fair to say that the bleak picture presented by CoAPS is unlikely, and that it is quite likely that sufficient helium to meet all reasonable needs will be available as far into the future as anyone can foresee.

I hope that you, as a member of CoAPS, can be open minded to the information I have presented. If you now have doubts about the CoAPS position, please consult with your colleagues and advise the Physical Society membership to have confidence that helium conservation is not in danger. If you want still more information on this subject, please call me at 914–354–1908. My E-mail address is 9324@mne.com. By the time you receive this letter, I will probably be on my way to Antarctica. I am scheduled to return by February 19, 1996, and you can reach me then. If you have a compelling need to pick my brains before then try an E-mail to one of my colleagues in Antarctica, Mr. Jesse Alcorta. His E-mail address is ALCORTJE.MCMURDO@mcmurdo.gov.

Very sincerely,

ARTHUR FRANCIS.

Mr. Speaker, consideration of this bill requires some background. Let us begin with these questions.

WHY IS THE U.S. GOVERNMENT IN THE HELIUM BUSINESS?

Helium is a gas whose unique physical properties make it irreplaceable in many high technology applications. As Government space exploration and defense programs expanded during the 1950's, Government scientists became convinced that demand for helium would outgrow supply. Natural gas was, and continues to be, the only economic source of helium and few natural gas streams contained a high enough concentration of helium to make extraction economically viable. If the helium is not extracted when the natural gas is produced, it is forever lost into the atmosphere. The use-it-or-lose-it dynamics of helium at the well-head lent a special sense of urgency to the perceived supply-demand imbalance.

At congressional hearings held in 1960, mining experts reported that nearly 4 billion cubic feet of helium were being lost each year—about 10 times the then current consumption. A valuable, nonrenewable resource was apparently being wasted, threatening shortages in future decades when demand for helium was expected to be much larger.

Against this backdrop, Congress passed the Helium Act of 1960. This act funded a Government program to extract crude helium from natural gas and store it in the Cliffside Field near Amarillo, TX. The Department of the Interior's Bureau of Mines [USBM] entered into 22-year purchase agreements with four natural gas producers who built helium extraction facilities in the Hugoton-Panhandle Field area of Kansas, Oklahoma, and Texas and the USBM built a pipeline to carry its helium purchases to the Cliffside Field. The Helium Act also required that Federal agencies purchase their helium requirements from the USBM. To meet those requirements, the USBM constructed a helium purification facility near Amarillo, TX. A final objective of the Act was to foster the development of a private helium industry—presumably to allow the USBM to de-emphasize or discontinue its helium program as soon as it could prudently do so.

By the time the Government terminated its helium purchase agreements in 1973, the USBM had accumulated roughly 35 billion cubic feet of helium. By most estimates, this represents a 100-year supply for U.S. Government customers, and roughly nine times the current annual worldwide demand. While the Government stopped purchasing additional helium in 1973, the remainder of the Government's helium program, including operation of its refining plant, management of the pipeline and storage system, and the sale of helium to Federal agencies has largely remained intact.

Now, 23 years later—and 36 years after the Government's helium program was expanded, it is long since time to re-examine the USBM helium program. A vibrant private sector helium industry has emerged which now supplies over 90 percent of the world's total demand for helium. Additional capacity is available which would enable private industry to easily supply the entire demand, including the demand presently supplied by the USBM. Given the current emphasis on reinventing Government, the USBM's helium programs seems to provide an excellent opportunity to restructure or discontinue a Government program that no longer provides fair value to American taxpayers.

WHY IS HELIUM A VALUABLE RESOURCE?

When we hear helium the first thoughts that come to mind are of Macy's parade, Mother's Day, and FTD's balloon bouquets. In actuality, helium touches us in our everyday lives. This rare element has unique properties that have allowed us to improve our quality of life.

Every time you place a long distance call, you can be assured helium was used in the manufacture of the fiber optic cables used to transmit your voice. Advances in medical diagnostics have been accomplished through MRI units that achieve their high magnetic fields from superconductivity made possible by the cryogenic properties of liquid helium. The construction and fabrication industries use helium and helium mixes extensively in welding and metal fabrication. Deep sea divers in the offshore oil industry can be assured that they will not be crippled from the bends with the development of helium/oxygen breathing mixes.

These are but a few of the many applications for which helium is used to improve our lives. New applications are being developed not only in high technology research such as super computer chips, but low technology industries as well. Worldwide consumption of helium increases on an average of 7–10 percent per year both from growth of current uses and development of new applications.

This natural resource which has contributed much to our development as a technological leader is not unlimited. The United States has been fortunate to be endowed with concentrations of this element in select natural gas fields which have allowed for its exploitation.

While helium is a non-renewable resource, produced only as a byproduct of natural production, depletion of these reserves is inevitable. The Federal helium reserve and conservation system, which are discussed in-depth in another paper, play an important role in preserving our independence as a technological leader. This reserve serves as an important insurance that we do not compromise our future for short-term fixes. The Federal reserve and conservation system were designed to encourage maximum extraction of helium from currently produced natural gas thereby ensuring the United States of a long term position in the development of applications dependent on the unique properties of this element.

IS THE FEDERAL HELIUM OPERATION EFFICIENT?

The U.S. Bureau of Mines within the Department of the Interior operates the Federal Helium Program. Federal helium operations consist of: First, a plant to refine crude helium; second, an underground storage facility to store crude helium, and third, a pipeline to transport crude helium recovered from the source gas fields to the storage facility.

Private sector helium-refining facilities are far more efficient than the Federal refinery. The Federal refining plant employs at least 80 people, while a private facility of equivalent production capacity employing only approximately 18 people can produce three times as much helium. This astonishing discrepancy in productivity is attributed in part to the outdated plant and equipment at the Federal facility. A recent study by the General Accounting Office concluded that the Federal refining facility is so outmoded that it would have only scrap value in the event of liquidation.

Federal revenue from the sale of refined helium falls far short of Federal costs of helium production. In the market place, price is the most direct measure of efficiency. The current Federal price for refined helium is now $55 per MCF and generates revenue only sufficient to cover operational costs and a slight surplus. For instance, the Federal price does not include the cost of crude helium. The best estimate for assigning a unit value of the crude in the Federal reserve is to divide 32 BCF—total Federal reserves of crude—into $1.4 billion—total debt—to arrive at an approximate cost of $40 MCF. If the cost of this free crude were included, the Federal price would be $95 per MCF, which is hardly competitive with the private sector. Crude helium is free to the Bureau of Mines because the money borrowed from the taxpayer to buy the crude was never repaid.

The Bureau of Mines hides the inefficiency of the refining operation by including unrelated revenue. When private producers extract crude helium from Federal property, they pay a royalty to the Bureau of Mines of approximately $5 million per year. This royalty income is unrelated to Federal helium operations, yet the Bureau of Mines uses the revenue stream to subsidize its refining operation.

The Federal helium operation is the epitome of an inefficient, Federal program that continues to exist despite the absence of current need. The Department of the Interior entered into the helium business in 1960, when Federal helium requirements were projected to increase dramatically and no reliable sources of helium were available in the private sector. Today, the Federal Government's need constitutes only 10 percent of the total demand for helium, and a vigorous private sector could easily supply all Federal users at a competitive price.

WHO USES THE HELIUM RESERVE?

The 1960 Federal Helium Act has been successful in storing for the U.S. Government 32 billion cubic feet of crude helium—50 percent or greater helium content, the remainder nitrogen—in a partially depleted natural gas field near Amarillo, TX, called the Cliffside Field. A pipeline system is used to transport crude helium to storage. It is operated by the U.S. Department of the Interior, Bureau of Mines, and is also used by private industry to store any crude helium that is not required to meet market demand. Helium is being extracted by private industry plants from natural gas going to meet the energy demand of U.S. households and industry. A portion of the private crude helium is being stored in the Cliffside Field under USBM supervision.

Does the U.S. Government need a crude helium reserve? Worldwide helium demand from 1972 to 1992 had a growth rate of 9.3 percent per year and now exceeds 3 billion cubic feet per year. Although supply currently exceeds demand current helium bearing natural gas being produced for market will soon be depleted. Conservative U.S. Government estimates forecast that U.S. helium demand will exceed supply between 2001 and 2004. The real value of the 32 billion cubic feet will be its availability to the U.S. economy when the extractable helium is not adequate to supply demand. Although the U.S. Government's helium reserve will be very valuable once U.S. reserves of helium-bearing natural gas are depleted, the current market value of the crude helium reserve is far lower than some of the estimates that have been quoted by various uninformed sources. It would be totally unrealistic to expect to sell more than a small fraction of the reserve for prices approaching current market value. If the U.S. Government were to attempt to dispose of the entire reserve—nine times annual worldwide demand—over a short period of time, it would realize only pennies on the dollar and severely depress private industry prices for crude helium. Any short-term sales of crude helium into a depressed market will be at the taxpayers expense.

By 2005 the helium reserve will become very valuable—so valuable it will be considered irreplaceable for the smooth functioning of our economy and then USBM sales will be at prices consistent with the helium reserve's true value.

CAN THE GOVERNMENT SELL CRUDE HELIUM WITHOUT DISRUPTING THE PRIVATE HELIUM INDUSTRY?

The world market for refined helium is just over 3 billion cubic feet per year. Private refiner/marketers of helium are fully capable of supplying this demand for the foreseeable future. In addition, new helium production and refining capacity is coming into service will provide an abundant supply to satisfy an estimated growth in demand of 7–10 percent per year for the next 5 years.

The Government refines helium from crude helium which is held in long-term storage and sells it on the market in competition with helium from current production. Selling crude helium from the Federal helium reserve will create an oversupply of helium. An over supply of helium will push prices down making further investment to recover helium from current natural gas production less likely. Government sales of helium at below market prices is dumping a valuable and depleting commodity.

The Cliffside Field is the only economically feasible storage capacity for crude helium—50 percent or greater helium, the remainder nitrogen. The Federal helium reserve has held this crude helium since the 1960's. The Cliffside Field which contains the Federal helium reserve also serves private sector helium producers as the only commercially storage site for private sector crude helium. A fee is paid to the Bureau of Mines for use of the pipeline and storage capacity.

The natural gas from helium rich gas fields will continue to be produced as a fuel even if the helium is not recovered. This helium will be lost forever.

Any sale of Government helium will displace helium from current recovery or production plants. Therefore, Government sales of refined and/or crude helium to meet current demand are not needed, will be disruptive and will waste helium by reducing its recovery from helium bearing natural gas currently going to market.

SHOULD CRUDE HELIUM BE SOLD ANYWAY, TO RAISE REVENUE?

This is a terrible idea. The Congressional Budget Office seemingly will not credit helium sales for deficit reduction purposes. Moreover, crude helium sales to raise cash now would undermine the long term value of the reserve, because helium will continue to increase in value. The fact is, helium sales into the private market cost more than they gain.

CAN THE $1.4 BILLION HELIUM DEBT BE REPAID?

Back in 1960, Congress recognized that helium was essential for such agencies as NASA and the Atomic Energy Commission. It passed a law creating the Federal helium activity to ensure helium supplies to Federal users. Given that the nascent private helium industry could not then be expected to meet Government demand, Congress authorized the Department of Interior to borrow a quarter of a billion dollars to set itself up in the helium business, which included creating a stockpile or reserve. The Treasury Department handled the borrowing.

Mindful that Government agencies need discipline to return money to the taxpayers, Congress directed that the incurred debt be amortized and be paid in full by 1985. A final deadline of 1995 was mandated. Revenue to service the debt would come from sales of helium. Incredulously, some 36 years later not only has the principal on the debt not been repaid but neither has any of the interest. This indebtedness has now accrued to $1.4 billion.

Some in the Government attest that this billion dollar debt is not real. Since it is owned by one Government agency to another Government agency it can be forgiven without ill consequences. Yet, every week at the Treasury's auction of government securities this debt is rolled over. It has been rolling over every week now since the sixties—piling up interest accumulation.

Can the taxpayers ever realistically expect repayment of this debt? The answer is ''yes''. Had the Interior Department, U.S. Bureau of Mines, carried out Congress' mandate to amortize the debt, this question would not be asked today. The Department, however, chose not to employ a rational pricing policy that would have recovered this money. Instead of slowly increasing the price of helium to keep pace with inflation, it opted to simply freeze

the price to its customers. It stayed nearly frozen for over 20 years!

The Interior Department should initiate a realistic pricing structure sufficient to start amortizing this debt. It may take another 30 years to pay it off, but at least taxpayers eventually could be made whole. The worst thing the Government can do now is simply to forgive this debt. It would not only reward a bureaucracy for shunning a congressional mandate, but more importantly it would forever remove the discipline the Department needs to avoid wasting this scarce, valuable element.

Helium is wasted by selling it too cheaply. Cheap Government sales discourage gas producers from extracting crude helium from current natural gas production. When it wishes to refine crude helium the Department simply pulls crude helium from its stockpile. Helium refined from current gas production ensures that it is priced to market value.

WHY DOES THE FEDERAL HELIUM PROGRAM WANT TO UNDERCUT PRIVATE INDUSTRY?

There have been several proposals made to reform the Helium Program operated by the Department of Interior's Bureau of Mines. Some of these proposals would enable the USBM to use the crude helium purchased and stored with tax-payer dollars as a free feed stock for their helium plant. The refined helium that the Government produces from this free feed stock could then be sold at prices below those charged by the industry, which does not have access to a free feed stock. Current proposals to forgive the helium fund debt would free the USBM to greatly increase their sales into the private sector.

Sales of USBM helium into the private sector enable the USBM to spread their high operating and administration costs over a larger volume. This, coupled with the free feed stock discussed above, helps hide the inefficiency of their operation. As Federal research and defense budgets have been reduced, the demand by Government agencies for helium has declined. This has left the USBM with a need to increase their sales of helium into the private sector in order to keep their inefficiency from pricing them out of the business entirely. No consideration is given to the fact that such sales disrupt the normal function of the private helium market and result in the waste of helium, and lost or reduced income tax and royalty payments to the Federal Government.

The USBM's stated policy has been to discourage the sale of Federal helium into the private sector, which according to their Annual Reports to Congress have been very limited. However, the DOI Inspector General reported that during the period from 1989 through 1990 when the USBM reported sales of only 2 million standard cubic feet of helium, 0.3 percent of their total sales, into the private sector, it actually sold 146 million standard cubic feet, 20 percent of their total sales. Their regulations required a surcharge on sales to private customers, which was almost never collected. This problem largely disappeared in 1991 when the Director of the USBM increased the USBM helium price and removed the incentive to divert helium intended for Federal use to private use. Now, the USBM is proposing to reduce their price and this diversion of helium into the private sector, whether officially encouraged or not, will return.

WHAT IS THE LEGITIMATE ROLE FOR THE FEDERAL GOVERNMENT CONCERNING HELIUM?

Why is helium a valuable resource? Helium's unique physical properties are critical in many high technology applications, such as manufacturing fiber optic cable, enhancing magnetic resonance imaging [MRI] capability, providing an environment for superconductivity, and industrial welding and fabrication. For most uses of helium, no substitute exists. Helium is a byproduct of the extraction of natural gas from certain helium-rich fields. If not captured when the natural gas is extracted, the helium will be vented and lost forever.

Why is the Federal Government in the helium business? Congress passed the Helium Act Amendments of 1960 to ensure that sufficient amounts of helium would be extracted and refined to meet the Federal Government's expanding needs for space and defense programs. Also, the act was enacted to foster the creation of a competitive private industry, which was in its infancy in 1960.

Pursuant to this Act, the Bureau of Mines within the Department of Interior now operates the Federal Helium Program, which consists of: an underground facility to store crude helium; a pipeline to transport the crude helium from the field to the storage facility and a plant to refine—purify—crude helium. The Federal refinery, which sells principally to Federal customers, provides 10 percent of the refined helium in the U.S. market.

Is the Federal Helium Program efficient? The Federal helium operation is the epitome of an inefficient Federal program that continues despite the absence of a current need. For example, the Federal refinery employs at least 80 people, while a typical private facility can produce at least three times as much helium with no more than 18 people. Moreover, net receipts from the sale of helium to Federal users, are vastly overstated because the Federal refinery does not include the cost of crude helium in its price for refined helium.

Who needs the helium reserve? The Federal Government owns approximately 32 billion cubic feet of crude helium, which is currently stored in the underground facility. These reserves represent an investment that will pay dividends when current demand for helium exceeds current supply. U.S. production capacity may well be insufficient to meet demand as early as the year 2001.

Can the $1.4 billion helium debt be repaid? Congress originally authorized the Interior Department to borrow up to $250 million to enter the helium business and stockpile crude helium. The Bureau of Mines' sales of refined helium were supposed to generate sufficient revenue to return this money to the Treasury, but the outstanding principal and interest now amount to approximately $1.4 billion. By pricing helium to account for the debt, the Bureau of Mines could repay the debt over several years and ensure that any helium sold will yield the highest possible return to the taxpayer.

Can the Federal Government sell crude helium without disrupting the private helium industry? The potential adverse affects of selling too much Federal crude helium are significant. Government sales will depress private production of helium, because less helium will be captured from current gas production. This will mean more private needs being met by Government sales. As a result, some helium would be lost forever. Any attempt to sell helium just to raise Federal revenue will likely result in below market pricing due to excess supply and, consequently, a poor return on the taxpayers' original investment. Moreover, there is no fiscal imperative to sell crude helium, because the Congressional Budget Office has advised that sales of crude helium from the reserve are asset sales and, therefore, provide no revenue for deficit reduction.

How should the Federal helium activity be reformed? Unless Congress reforms the Federal Helium Program, the Department of Interior will continue to be the subject of criticism. Since a vigorous, competitive private sector helium industry now exists, the Federal Government no longer needs to take an active role in the business. For all of these reasons, Congress should enact H.R. 3008, which will: first, require the Bureau of Mines to discontinue the processing and sale of refined helium; second, preclude the sale of crude helium by the Bureau of Mines until current production of helium no longer satisfies current demand; and third, eventually repay the helium debt over two decades with revenue generated from the sale of crude helium, when market circumstances merit its release.

Mr. Speaker, I ask that the following letter of support for H.R. 3008 be included at this point in the RECORD.

NATIONAL TAXPAYERS UNION,
April 29, 1996.

Hon. CHRISTOPHER COX,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE COX: The 300,000-member National Taxpayers Union strongly supports your legislation, H.R. 3008, the Helium Privatization Act.

Passage of the Helium Privatization Act is long overdue. For several years now, the National Helium Reserve has served as one of the most glaring examples of our government's inability to rid itself of obsolete, low-priority spending programs. This stark symbolism seems to have no end, as the *New York Times* reported that the Reserve was operating even during last year's federal shutdown, when thousands of other federal employees were classified as ''non-essential.''

Conceived in 1925 to prepare for an outbreak of blimp warfare, the National Helium Reserve certainly fits the description ''non-essential.'' Today the program costs taxpayers millions per year to staff and maintain, plus millions more due to mandated purchases by government agencies at inflated prices. Any proceeds from helium sales to outside customers must be weighed against the costs of the $1.4 billion in debt the agency has incurred during its existence. Meanwhile, private helium producers have created an adequate and efficient market that could easily sustain the needs of both government and industry for the foreseeable future in the absence of a federal program.

Your legislation resists simplistic, headline-grabbing approaches by providing a rational, methodical timetable for privatization of the National Helium Reserve. The bill will ensure a smooth transition to an all-private helium market system as well as save taxpayers $9 million annually. The Reserve's refining and marketing activities would cease, and its stocks would be liquidated so as to provide the best return for taxpayers who have continued to fund this boondoggle.

The nation's taxpayers expect and deserve a visible commitment from their elected officials to reduce wasteful spending. If Congress cannot muster the political will to eliminate an obvious target such as the National Helium Reserve, its credibility on tough deficit reduction issues such as entitlement reform could suffer. Accordingly, National Taxpayers Union's staff stands ready to assist your effort to privatize the National Helium Reserve, and to that end we

urge your colleagues to work for swift passage of H.R. 3008, the Helium Privatization Act.

Sincerely,

DAVID KEATING,
Executive Vice President.

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, April 29, 1996.

Hon. CHRIS COX,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE COX: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I am writing to endorse The Helium Privatization Act (H.R. 3008). This legislation not only eliminates an archaic program, long overdue for extinction, but also eliminates a sizable debt already incurred by the program.

The National Helium Reserve was created in 1925 as a response to expectations that dirigibles would be an important aspect of the military's air might. With the rapid rise of fixed wing aircraft, the need for dirigibles was quickly eliminated. Sadly, the program was not. Over the past 70 years, government agencies have been forced to buy helium at an inflated price, now costing taxpayers $25 million annually. The Reserve has also mounted a $1.4 billion debt and a 100-year stockpile. According to some experts, the Reserve has enough helium to supply every man, woman, and child in the country for the next 19 years.

The National Helium Reserve symbolizes exactly the type of bloated government bureaucracy that taxpayers want eliminated. This program has continued to survive, despite meeting no apparent need and costing the taxpayers far more money than buying from private sources. Even worse, mismanagement has led to a sizable debt that now needs to be eliminated. H.R. 3008 would do just that. Profits from asset sales would be large enough to eliminate this debt, and taxpayers would no longer have to bear the burden of this unnecessary program.

The Helium Privatization Act is commonsense legislation. Even more encouraging is the overwhelming bipartisan support that this legislation has received. I applaud your efforts to privatize this program and urge all members of the House to support this measure. CCAGW will consider this vote for its 1996 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ,
President.

CHAMBER OF COMMERCE,
UNITED STATES OF AMERICA,
April 24, 1996.

Hon. CHRISTOPHER COX,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE COX: The U.S. Chamber Federation believes it is time to shut down the federal helium program.

The federal helium program was created over sixty years ago when it was thought our national defense would depend on blimps and dirigibles. Those days are long past but this program is still in business. Even though the private sector is capable of fulfilling our helium needs, currently producing over 90 percent of U.S. supplies, federal agencies are required to purchase helium from the federal program which has generated a $1.4 billion debt.

Our fiscal budget situation demands the elimination of this wasteful and inefficient program. H.R. 3008 would terminate the Department of the Interior's helium refining program. It would responsibly dispense with the crude helium stockpile without disrupting the market and provide a return on the millions of taxpayer dollars invested in this operation.

The U.S. Chamber Federation of 215,000 businesses, 3,000 state and local chambers, and 1,200 trade and professional associations, and 76 American Chambers of Commerce abroad respectfully requests your strong support and the expeditious adoption of H.R. 3008.

Sincerely,

R. BRUCE JOSTEN.

Hon. C. CHRISTOPHER COX,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN COX: President Clinton and both houses of Congress agree that shutting down the federal helium operation is an important reform necessary to reduce the size and scope of government and to help balance the budget.

Helium conservation is still a worthy objective and the best way to achieve it is to end this inefficient, wasteful federal program that inappropriately completes with the private sector helium industry.

We write to ask you to help move legislation that will terminate the Interior Department's helium refinery and deal responsibly with the crude helium stockpiled in the helium reserve. H.R. 3008 meets these objectives and identical language has already been approved by both the House and Senate as part of the budget reconciliation package. Since budget reconciliation is problematic, we now ask that you support H.R. 3008.

Congress should approve this ''good government'' legislation that will help cut waste and return to the taxpayers the tens of millions of dollars invested in the helium program.

American Gas Association, Citizens Against Government Waste, Helium Advisory Council, National Association of Manufacturers, National Taxpayers Union, Americans for Tax Reform, Compressed Gas Association, Inc., Interstate Natural Gas Association of America, Natural Gas Supply Association, U.S. Chamber of Commerce.

Mr. COMBEST. Mr. Speaker, the importance of helium and the Government involvement in helium conservation and production dates back to the passage of the Helium Act of 1925. The building and operation of a large-scale helium extraction and purification plant went into operation in 1929 in Amarillo, TX, that until 1960, was the only domestic helium producer.

In 1960, Congress amended the Helium Act to provide incentives for stripping natural gas of its helium, for purchase of the separated helium by the Government, and for its long-term storage. With now close to 34.25 billion cubic feet of helium in Government storage and a large private-sector helium recovery industry, some have asked whether or not the Federal Government should have a role in the helium business.

While interest in helium began with World War I when its military value as an inert lifting gas was recognized by the Army and Navy, its current uses have far surpassed what many could have imagined. Helium now plays a vital role in the National Aeronautics and Space Administration [NASA] Space Shuttle program as well as one of the most important materials in modern science. These are but a few of the current modern-day uses of helium that many of the opponents of the helium operations have failed to mention.

The Space Shuttle uses more helium than any other single program in the Federal Government. The principle consumption comes just before launch time when the external tank must be purged before the liquid hydrogen fuel can be loaded. During flight, the hydrogen is pressurized with a helium atmosphere to force the liquid fuel to the turbines and the three main propulsion engines. While this is certainly the most high profile use at NASA, several other space projects used liquid helium supplied by the Bureau for cooling detectors, instruments, and entire satellites down to −452 degrees F. Currently NASA requires 80 railroad cars of helium for each shuttle launch but it can only take it in gaseous form. No private company can supply it in gaseous form, so if H.R 3008 passes, NASA is going to have to spend millions of dollars to accept the helium as a liquid and then convert it to gas.

The Department of Defense [DOD] is also very reliant upon helium. Bureau helium is used by the Defense Nuclear Agency [DNA] in experiments which simulate nuclear explosions. The Air Force is deploying an operational airborne antisatellite missile system with liquid helium in an aircraft before takeoff.

DOD has also awarded two competing $12 million contracts to develop a ground-based, liquid-helium-cooled laser power system. The Navy, too, is conducting research on the use of airborne superconducting magnetometer to detect submerged enemy submarines.

The Department of Energy [DOE] awards and administers contracts with Government-owned, contractor-operated [GOCO] national laboratories at Brookhaven, NY; Oak Ridge, TN; Fermi and Argonne, IL; Los Alamos, NM, and Berkely and Livermore, CA. DOE also conducts defense-related research, development and production, primarily at Los Alamos, Sandia, Livermore, Rocky Flats, and Pantex.

Helium also plays a role in protecting our borders. Helium-filled, radar platform blimps, provide electronic surveillance of the southern border of the United States. The helium-filled inflatables float at 10,000 feet and provide round-the-clock coverage from Arizona to the Bahamas.

The Bureau is currently supplying liquid helium to several universities and medical facilities with Federal contracts who are conducting research on magnetic resonance imaging [MRI] to improve this technology.

The concern over shutting down Government operations under H.R. 3008 has prompted a warning from the American Physical Society that, ''Any helium that is not extracted will be lost forever as the natural gas is burned. Some incentive or requirement to store it must be in place.''

All of the Federal agencies combined purchase about $20 million per year of helium from the Bureau. This is a small part of their budgets for research, development, and operation of these Government activities. The helium operations have supplied quality service to the programs so vital to the national defense, general welfare, and security to the Nation. The helium operations provide their product for numerous state-of-the-art projects that are a far cry from the World War I dirigibles that opponents claim as its only means for existence. Incidentally, the helium operations in Amarillo began in 1929, several years after World War I.

The Helium Program does not receive Federal appropriations. The program operates on the revenues of returning between $7 to $10 million per year to the Treasury, even after operating expenses. Since 1990, the Bureau of

Mines has made debt repayments totaling more than $40 million.

A General Accounting Office study in 1992 recommended that the helium debt be canceled since it was characterized as a bookkeeping transaction between two Federal agencies, with no impact on the deficit or national debt.

Mr. Speaker, I hope that my comments will give my colleagues a better understanding of Federal involvement in helium. The national media and others have both maligned and misunderstood this program. I have urged my colleagues to vote ''no'' on H.R. 3008 so that true reform of the helium program may become a reality. Sadly, H.R. 3008 will actually prevent speedy privatization of the helium operations and prohibit the sale of excess helium.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 3008, the Helium Privatization Act of 1996. This legislation represents a small but important step toward a more commonsense approach toward developing the proper role of the Federal Government.

The Federal Helium Program is clearly an anachronism which deserves elimination. While it may have served a purpose during the first part of this century, the justification for the Federal Helium Program has certainly run out of gas.

This Member has long recognized the need to eliminate this wasteful and nonessential governmental program. In 1993, this Member wrote to the President suggesting spending cuts which would help reduce the Federal deficit. This list included a proposal to sell the national helium reserves as a way to save taxpayer dollars. This Member also cosponsored helium privatization legislation introduced by the distinguished gentleman from California [Mr. COX] in this Congress as well as the previous Congress.

The healthy private helium industry offers strong evidence that the Federal Government should get out of the business. The private sector currently provides more than 90 percent of the Nation's helium needs. In fact, as a result of the efficiency of the private helium industry, the United States now produces eight times more helium than the rest of the countries combined. It is unnecessary and improper for the Federal Government to retain its current monopoly on the sale of helium to Federal agencies.

H.R. 3008 offers an effective approach toward the privatization of the Federal Helium Program. This legislation will save taxpayers money by ending the production, refining, and marketing at the Federal helium facility in Texas. It will also require the sale of the Federal Helium Program's production facilities and other equipment and privatize the current helium stockpile. The proceeds from these asset sales will then be applied toward the program's massive debt to the taxpayers.

Mr. Speaker, this Member urges his colleagues to vote for H.R. 3008, the Helium Privatization Act of 1996. It's commonsense legislation which will benefit private business and the American taxpayers.

Mr. HORN. Mr. Speaker, the recently passed omnibus appropriations bill was a historic achievement. With it, Congress significantly reduced the Washington bureaucracy. Nearly 200 outdated Federal programs were eliminated.

This was a good first step toward a balanced budget. Now, we must maintain this momentum by taking more steps. For instance, we must get the Government out of the money-draining helium production business. This will save taxpayers nearly $9 million annually—money badly needed in far more vital areas of our economy. I urge a ''yes'' vote on H.R. 3008.

Mr. COMBEST. Mr. Speaker, I know of no other Federal program more maligned and misunderstood that the Department of Interior, Bureau of Mines, helium operations. Many of my colleagues have piled on board to eliminate the program. They've heard the clever talking points about German zeppelins and toy balloons. Although I know I am in the minority on this issue, I hope to set the record straight on a few essential points.

The Federal helium operation is actually one of the few Federal programs that has done what it was intended to do. Going from a time when there was no helium produced by the private sector, the Helium Act has been tremendously successful in helping to develop private sector production and a strategic reserve for helium.

I hope my colleagues and the folks out there listening to this debate will reflect on 67 years of dedicated, quality service given this country by those who took on a mission in 1929. My colleagues who mention the cost to taxpayers for this program are speaking of the accumulated interest costs—not the annual cost, which is a net positive gain to the U.S. Treasury of $10 million last year alone.

A legitimate debate has taken place regarding whether or not the Federal Government should be in the helium business. Regardless of your view, this bill, H.R. 3008, is not the best answer. Here's why: This measure effectively prevents private purchase of the helium reserves and refinery. It attempts to recoup the Government's investment with a formula selling off 100 years worth of helium. But it will do so at a price still higher than what its private competitors sell at market.

The bill is designed—plain and simple—to repay the debt and interest on a loan that was made between two Federal agencies. But also just as plain and simple, this bill will not privatize the helium operations. All of that excess helium will remain unsold.

However, there is a better, more balanced approach: It was offered by another one of our colleagues, MAC THORNBERRY, during the budget debate over this legislation in the Resources Committee. His amendment would have allowed some helium to be sold at market price, as long as it did not disrupt the market. Adequate helium stockpile would remain for national security needs, while ensuring the taxpayer a sufficient return on their investment. It would have canceled the bookkeeping debt between two Federal agencies. This commonsense substitute is nowhere in today's bill. The inclusion of this language into H.R. 3008 would have made this measure a better investment for taxpayers. Without a balanced, commonsense approach, I cannot support H.R. 3008. I urge my colleagues to vote ''no'' so that true reform of the helium program may become a reality.

Mr. CALVERT. Mr. Speaker, I thank the gentleman, and with that, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CLINGER). The question is on the motion offered by the gentleman from California [Mr. CALVERT] that the House suspend the rules and pass the bill, H.R. 3008.

The question was taken.

Mr. THORNBERRY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the various bills considered today.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House will stand in recess until 5 p.m.

Accordingly (at 3 o'clock and 36 minutes p.m.), the House stood in recess until 5 p.m.

□ 1704

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOODLATTE) at 5 o'clock and 4 minutes p.m.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1996 AND 1997—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Departments 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, and for other purposes.

The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding.

The gentleman from New York [Mr. GILMAN] is recognized for 1 hour.

Mr. GILMAN. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Indiana [Mr. HAMILTON], pending which I yield myself such time as I may consume. Mr. Speaker, during this debate, all time yielded is for purposes of debate only.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on the veto message on H.R. 1561.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, despite the President's State of the Union promise to ''end the era of big government'', on Friday, April 12, President Clinton vetoed H.R. 1561, the Foreign Relations Authorization Act. This compromise bill delivered on the President's pledge to reduce the size of Government through a flexible reorganization of the international affairs agencies. It was, regrettably, rejected by the administration as unacceptably restrictive.

I am stunned by this assessment. Instead of working with the International Relations Committees to fulfill the mutual goals of reforming our international operations, the administration remained mute and unwilling to find a bipartisan approach.

The administration's attempts to reinvent and reform Government, are merely hollow platitudes, with little creativity, or bipartisan support to sustain them. This is a great disappointment since we should be well on our way to organizing our international relations for the next century. The only thing this administration has reinvented are new excuses to maintain the status quo.

Let me remind my colleagues that in January 1995, Secretary of State Warren Christopher proposed the idea to President Clinton to consolidate the foreign affairs agencies that proliferated during the cold war. He argued that consolidation would reduce duplication, cut the budget, and provide a firm new direction to U.S. foreign policy in this century. Secretary Christopher was right. His idea recognized that to meet a changed world, the institutions themselves need to be changed.

The core missions of the Agency for International Development, the U.S. Information Agency, and the Arms Control and Disarmament Agency to contain the spread of communism all dissipated with the fall of the Berlin Wall. Regrettably, the President disagreed with his own Secretary of State and chose to defend the bureaucracies. The Foreign Relations Authorization Act was offered as the blueprint for the future, yet the President vetoed this bill.

Many of our colleagues in the House and the Senate agreed with the need to change the foreign affairs structure to meet the future. That support is well placed and appreciated. This legislation reflects the interests of the American public to reduce spending and zero in on the essential activities of our international affairs agencies. It also applies the MacBride fair employment principles to Northern Ireland, links expansion of our embassy to progress on POW's/MIA's, backs our allies on Taiwan, helps protect Chinese women fleeing coercive abortion policies, includes the Humanitarian Corridors Act to help Armenia, and fully funds antinarcotic and Peace Corps activities.

I want to make a special note regarding Father Sean McManus. No one has fought harder against discrimination in Northern Ireland. Father Sean single-handedly brought the MacBride fair employment principles to the edge of enactment. I am greatly disturbed to see an apparent White House effort orchestrated to discredit Father Sean and his work, so as to divert attention away from another flip flop of a campaign pledge. I am ashamed of their actions and opposition to the cause of fair employment for all in Northern Ireland.

This was a well considered bill, and reflects many of the interests and concerns of the administration. Over 20 major organizations including Citizens Against Government Waste and the American Legion support provisions in this bill.

Therefore, I urge you to support the veto override motion to end waste, overlap, and duplication in our foreign affairs agencies. Let us seize this opportunity to make constructive changes that will move us effectively into the next century.

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

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

Mr. Speaker, I strongly urge my colleagues to vote to sustain the President's veto of H.R. 1561 and to vote no on the motion to override which will ensue shortly.

H.R. 1561 is a flawed bill. It would undermine the foreign policy powers of the Presidency and force the adoption of policies that would harm U.S. national interests. It does not give the President the funds he needs to conduct U.S. foreign policy and protect and promote U.S. interests. It mandates a far-reaching reorganization of the U.S. foreign policy apparatus that has no connection to the real problems of foreign policy.

In short, this bill, rather than revitalize U.S. foreign policy, as its sponsors suggest, would weaken the power of the President—any President—to conduct foreign policy. If we allow this bill to become law we would be reducing U.S. influence in the world.

Let me mention several specific provisions.

This bill interferes with the President's authority to organize the foreign affairs agencies. It mandates the elimination of at least one agency—any agency—and severely reduces budget levels at other agencies. Yet the proponents have never demonstrated the need for this reorganization. They have never demonstrated how the conduct of American foreign policy would be improved under this reorganization. They have merely mandated that it occur.

This bill also includes numerous policy provisions that tie the President's hands in the conduct of foreign policy. I will mention just three of the more serious problems in this area.

It amends the Taiwan Relations Act in a way that undermines longstanding United States policy on China, including the 1982 joint communique. The management of relations with China is one of the central challenges of United States foreign policy. The administration right now is working to reduce tensions between China and Taiwan. This provision if enacted would complicate, not facilitate, that task.

It unduly restricts the President's ability to normalize relations with Vietnam, which could set back progress that has been made on the POW–MIA issue.

It limits United States participation in international organizations, including the United Nations. A provision restricting intelligence sharing with the United Nations infringes on the President's power to conduct diplomacy. These provisions would also make it difficult, if not impossible, to pursue efforts to reform the United Nations and reduce the assessed United States share of the U.N. budget.

The funding levels set in this bill are inadequate to conduct U.S. foreign policy and protect U.S. interests. Reduced funding levels of U.S. missions overseas would limit our ability to promote arms control and nonproliferation, reform peacekeeping, streamline public diplomacy and promote sustainable development.

U.S. foreign policy is most effective when it enjoys bipartisan support, and when the President and Congress work together to advance U.S. interests. H.R. 1561 has never enjoyed bipartisan support, and does not appear to be based on the principle of cooperation between the branches. All but nine Democrats opposed this conference report when it was adopted in the House on March 12, by a vote of 226–172. I urge my colleagues who voted against the conference report to vote today to sustain the President's veto.

□ 1715

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

Mr. GILMAN. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me the time.

Let me just begin by expressing my very sincere thanks for the great job that Chairman BEN GILMAN did in sheparding this legislation through the Congress, through both Houses, through a very difficult markup in full committee, the divisive floor fight that we had. Regrettably it was divisive, and then a very difficult conference, and now we are trying to deal with an override attempt, and hopefully that will succeed. He did a very good job. He was very fair, and this legislation, I

think, is a very reasonable piece of legislation that merits the support of my colleagues.

Mr. Speaker, when President Clinton vetoed H.R. 1561, the Foreign Relations Authorization Act of 1996 and 1997, he gave a number of reasons. He said that we were spending too little. He said it was somehow inappropriate for Congress to require the executive branch to consolidate Federal agencies even though the legislation mirrored Secretary Christopher's consolidation proposal. As a matter of fact, it was even less, far less than what actually Secretary Christopher wanted us to do. You might call it ''Christopher light'' in that regard. It would only consolidate and get rid of one agency rather than three.

The President said it was inappropriate to prohibit the expansion of our Embassy in Hanoi until the Hanoi regime comes clean on POW's and MIA's. Mr. Speaker, I think the POW–MIA issue is one of the most important issues this Congress, this country could ever face, and not to link those issues with an ongoing effort to resume full diplomatic relations with Hanoi would be a serious mistake.

Mr. Speaker, he objected to the provision of H.R. 1561 which states that the Taiwan Relations Act supersedes the joint communiques with the People's Republic of China, even though this is a simple and uncontroversial statement of law and fact. A law enacted by Congress and signed by the President does supersede an agreement entered into only by the executive to the extent that there is any conflict between the two.

Then the President provided a laundry list, apparently generated by the State Department bureaucracies, of other provisions that they would prefer not to have been in the bill. By discussing these issues and only these issues, the President's veto message managed to obscure what H.R. 1561 is really all about.

Mr. Speaker, this bill is a human rights bill. It is about the United States vigorously pursuing a foreign policy which is internationalist, not isolationist, which is driven by fairness and justice and not by diplomatic convenience. Despite the need to cut spending and consolidate programs, H.R. 1561 as passed by the House and Senate manages to hold harmless or even enhance the most important programs and to enact important policy provisions that will support freedom, building democracy and save lives.

Mr. Speaker, even more important than spending levels are the foreign policy provisions themselves. The bill contains a number of important provisions that would require human rights be at the centerpiece of our U.S. foreign policy. For example, the Humanitarian Aid Corridors Act, section 1617 of the bill, would limit assistance to countries that restrict the transport or delivery of U.S. humanitarian assistance. I offered this language to the bill, and I was also the prime sponsor of the Humanitarian Aid Corridors Act because it is wrong, absolutely wrong for any country receiving American assistance to keep United States humanitarian assistance from reaching another country; yet this is precisely what is being done by Turkey, which has been blockading Armenia for several years. The result? People die, children and mothers and families get sicker because our medicines and our foodstuffs never get to Armenia, and those that do get there get there in much lesser amounts.

Then take, for example, the MacBride principles, guaranteeing that U.S. assistance programs in Northern Ireland will only go toward projects that do not engage in religious discrimination, which provide employment opportunities for members of the region's Catholic minority. Here Mr. Clinton has done 180 degrees. He has done a flip-flop.

Members might recall that in April 1992, when asked about the MacBride principles, then-candidate Clinton said: I like the principles; I believe in them. He went on to say how strongly he supports them. And yet in a letter that we received from the White House dated April 11, Anthony Lake writes: The President does not believe it would be useful to place conditions on the funding we provide to the International Fund for Ireland.

He is now against the MacBride principles. An election is coming up, so expect another flip-flop right before the election on this one. The proof is in the deed. The President vetoed the MacBride principles, Mr. Speaker, and now we have a situation where the discrimination goes on unabated.

Mr. Speaker, I have so much to say in so little time. On refugee protection we provided very, very important language in this bill that protects the Vietnamese boat people, people who fought with us side-by-side, who this administration has in the past tried to send back, joining with some in the international community.

Mr. Speaker, we would help those people and we also, as the distinguished gentleman from New York [Mr. GILMAN], the chairman, pointed out, would help those women who today languish in U.S. prisons. Their only crime? They were victims of forced abortion. These women who appeared before my Subcommittee on International Operations and Human Rights came in in chains, Mr. Speaker. These women were almost 3 years in custody simply because they fled the tyranny of the People's Republic of China.

Mr. Speaker, this legislation reinstates the Reagan-Bush policy of a well-founded fear of persecution being sufficient if they can prove that they have or are in fear of getting a forced abortion.

Mr. Speaker, we have many, many other important provisions in here dealing with broadcasting, protecting Radio Marti and Radio Free Asia and making sure that those important freedom broadcasts get up and running.

This is a good bill. I urge Members to vote to override the President's veto on this important human rights legislation.

Mr. Speaker, I include for the RECORD, the following information:

REFUGEE PROTECTION

The refugee provisions of H.R. 1561 would prevent United States tax dollars from being spent to return to Viet Nam and Laos thousands of men and women who served side-by-side with American forces.

These provisions would also restore the Reagan-Bush policy of protecting people who can show that they are fleeing forced abortion or forced sterilization, or that they have actually been subjected to such measures—such as the women now being held in Bakersfield, California, most of them victims of forced abortion or forced sterilization, all of them about to be forced back to the People's Republic of China. Mr. Chairman, this urgent humanitarian provision has passed both the House and Senate by wide margins. The Administration recently announced that it supports this provision. And yet, tragically, President Clinton vetoed the bill that would have enacted it.

H.R. 1561 would also require periodic reports to Congress on what Fidel Castro is doing to enforce his end of the Clinton-Castro immigration deal of 1994, and on how people are treated who are returned to Cuba pursuant to the second Clinton-Castro immigration deal of May 1995. And it would fill a gap in the law by prohibiting the use of authorized funds to return people to places in which they are in clear danger of being subjected to torture.

DEMOCRACY BUILDING AND FREEDOM SUPPORT

Despite the need for cuts in international broadcasting and other public diplomacy programs, H.R. 1561 would hold harmless two of our ''freedom broadcasting'' programs: Radio Free Asia and Radio/TV Marti. The bill would also require that when cuts must be made, they must not fall disproportionately on broadcasts to countries such as Iran and Iraq, whose people do not enjoy freedom of information within their own country. The bill also requires that Radio Free Asia commence its broadcasts into China, Viet Nam, North Korea, Burma, and other countries whose people do not fully enjoy freedom and democracy, within 6 months. And the bill would continue the authority for scholarship and exchange programs for Burmese and Tibetan scholars who have been forced into exile by the dictatorships that currently exercise authority in these countries.

Mr. Speaker, even if the President were right to oppose some provisions of H.R. 1561, these human rights provisions were far more important. Mr. Speaker, I ask my friends on the other side of the aisle: Which is more essential to America's role in the world: Preserving the federal bureaucracy in exactly the same structure it happens to have now, or helping to end pervasive discrimination against Catholics in Northern Ireland? Making the embassy in Hanoi the biggest embassy it can possibly be, or ending blockades against U.S. humanitarian aid to Armenia and other countries? The sensibilities of the dictatorship in Beijing, the soldiers of Beijing, or the internationally recognized human rights of torture victims?

The President had a clear choice. He chose to throw the baby out with the bath water.

Today we in Congress—all of us, Republicans and Democrats, who are interested in a vigorous American foreign policy based on American values—have a chance to correct the President's mistake. Let us override this veto by an overwhelming bipartisan margin.

GOVERNOR CLINTON ON MACBRIDE PRINCIPLES AT IRISH FORUM, NEW YORK IN APRIL, 1992

I. QUESTION BY RAY O'HANLON, IRISH ECHO: IN EFFECT: IF ELECTED WOULD HE SUPPORT THE MACBRIDE PRINCIPLES?

Answer: ''I like the principles. I Believe in them. I would encourage my successor to embrace them. If, Lord forbid, I don't get elected President, I'm going to have a legislative session in 1993 and would look at that. As President I would encourage all the governors to look and embrace them. I think it's a good idea. I like them very much.''

Follow-up question by O'Hanlon: In effect: One of the objections to the MacBride Principles is that they may discourage investment, would you assure those in opposition that they have nothing to fear from MacBride.

Answer: ''Absolutely. I think that it's a way to encourage investment because it's a way to stabilize the political and economic climate in the work force by being free of discrimination. That argument is made against any principles in a country where there is discrimination. I just don't buy that. I don't think that is a serious problem.''

II. PRESIDENT BILL CLINTON MARCH 17TH 1993 AT THE WHITE HOUSE ST. PATRICK'S DAY CEREMONY

Asked by Conor O'Clery of the Irish Times if he still supported the MacBride Principles, Mr. Clinton replied ''YES I DO.''

Mr. Speaker, I include for the RECORD the letter to which I referred:

THE WHITE HOUSE,
Washington, DC, April 11, 1996.

The Reverend SEAN MCMANUS,
President, Irish National Caucus, Inc., Washington, DC.

DEAR FATHER MCMANUS: Thank you for your letter about the legislation linking the MacBride Principles of fair employment to funding for the International Fund for Ireland.

As you know, the Administration supports the goals of fair employment which the MacBride Principles embody. The Administration also actively supports efforts to promote trade and investment in Northern Ireland and the border counties as the best way to underpin a lasting peace. The President does not believe it would be useful to place conditions on the funding we provide to the International Fund for Ireland, which has an excellent record of attention to and effectiveness on fair employment issues. U.S. companies, with considerable experience in equal opportunity employment, are among the best employers in Northern Ireland in terms of meeting the goals of fair employment.

The setting of the June 10 date for the beginning of comprehensive negotiations on the future of Northern Ireland marks a watershed in the peace process. In this critical period, the Administration will continue to work with the two governments and the parties to help them achieve a just and lasting settlement in Northern Ireland. I appreciate your support for our efforts.

Sincerely,

ANTHONY LAKE,
Assistant to the President for National Security Affairs.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, there are some very good human rights provisions here, as my colleague from New Jersey mentioned. The gentleman from New York [Mr. GILMAN], is a very good chairman of the Committee on International Relations.

This bill, nonetheless, still needs to be defeated. It has gone through a revision. It is better than it was when we first were presented with it, but it still should be vetoed, principally because it infringes on the President's right to conduct foreign policy. It micromanages foreign policy. It forces the consolidation of agencies. It basically tells the President that he has to eliminate agencies to conduct foreign policy.

Mr. Speaker, it also authorizes spending levels that would force other organizations in the international diplomacy area to retreat. In other words, we are retreating as internationalists through some of the spending provisions in this bill. Plus, the bill fails to provide necessary flexibility for the administration to manage all of these agencies that this bill is ordering virtually be dismantled.

The bill also hurts in very key areas in the funding levels: Arms control and nonproliferation, international peacekeeping, international organizations, public diplomacy, sustainable development. What this is going to cause is a severe reduction in force of highly skilled personnel at several of our foreign affairs agencies.

Mr. Speaker, the bill messes with our China policy. We do not need right now to get into China policy. Things are very delicate there. We do not need to repudiate what President Nixon and Secretary of State Kissinger, then National Security Adviser Kissinger, preceded with in the Taiwan Relations Act. What we have now is a new venture, a new China policy, which is not in this bill what we should be doing at this moment.

Relations with Vietnam, this is a very, very sticky issue. The last thing we want to do is deter and impede progress on the POW-MIA issue. It is coming. It is coming slowly. I do not think we want to provoke a reaction that is going to stymie any further progress.

On participation in international organizations, Mr. Speaker, I am a member of the Permanent Select Committee on Intelligence. I think we have some good safeguards right now that deal with intelligence sharing with U.N. agencies. We do not need further micromanagement of this issue.

On housing guaranteed programs: South Africa, Eastern Europe, some very good country programs in these nations. Section 111 would terminate several of these programs, specifically as I said before, in South Africa and Eastern Europe. And family planning, this bill is not a good bill.

Mr. Speaker, I want to, despite the fact that this is not a good bill, acknowledge the very worthwhile efforts by many internationalists on the other side. I think the President has the main ability and right to conduct foreign policy. We are interfering in that.

Mr. Speaker, I think the gentleman from Indiana has made some very viable and positive statements about what our role as a Congress should be. We do have a role, of oversight, of war powers. But when we get in and micromanage specific situations, I do not think it is in the best interest of this country. The President's veto should be upheld.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING], a senior member of our Committee on International Relations.

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

Mr. GOODLING. Mr. Speaker, I rise today to urge my colleagues to join me in voting to override the President's veto of the conference report to H.R. 1561, the Foreign Relations Authorization Act.

Mr. Speaker, H.R. 1561 makes several reforms to our Nation's foreign policy apparatus: Reducing bureaucracy and cutting waste, while preserving our ability to conduct the foreign affairs of the Nation. That the President would veto a bill which reduces duplication, cuts the budget, provides firm direction to our foreign policy is baffling to me. You cannot say you support balancing the budget and then veto packages which would accomplish just that. You cannot say you support eliminating bureaucracy and then veto a bill which does just that.

However, the president's veto of the bill did more than simply damage our efforts to cut bureaucracy. His veto also directly affects the lives of Chinese detainees held for over 1,000 days in the York County jail in my district, the very city where the Articles of Confederation were written and signed, the very city which was the first capital of the United States. What is their crime? Many of these men fled China in fear of China's coercive abortion and sterilization policy.

It was mentioned that we cannot interfere with our Chinese policy. What is our Chinese policy? I have tried to speak to the President of the United States on this issue for several months, and I only get to speak to the National Security Adviser. When I spoke with him, I said: I suppose this business has something to do with our Chinese policy. He said: Oh, no, it has nothing to do with our Chinese policy or he would know about it, and he did not know about it.

Had these individuals fled China for the United States when the last two Presidents were in office, they would likely have been granted asylum in the United States. Under President Reagan, then Bush, fear of repressive coercive population control policy, which China clearly employs, was

grounds for asylum. Under the Reagan-Bush policy, these individuals would likely have been set free, and the Federal Government would not be paying over $1 million in taxpayers' money each year to keep them locked up.

Unfortunately, President Clinton changed the policy when he took office in the belief that fear of forced abortion or sterilization does not merit asylum in this country. H.R. 1561 would change the U.S. law back to the Reagan-Bush policy, which was the law of the land for many years and which hardly resulted in our Nation being overrun by hordes of asylum seekers.

Mr. Speaker, I am the first to say that illegal immigrants who have no grounds for asylum must be sent away. But it is wrong to make an example of these Chinese men and women who fear coercive population policy. This provision is supported by the Family Research Council, the National Right to life Committee, various churches and pro-life groups. This provision is humane and, most of all, it speaks well of America and Americans.

Mr. Speaker, I want to thank Chairman GILMAN for his work on this bill, and I urge all Members to override the veto, return fiscal sanity and justice to American foreign policy.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California, [Mr. BERMAN], a member of the Committee on International Relations.

Mr. BERMAN. Mr. Speaker, I thank my friend from Florida for yielding me the time.

Mr. Speaker, I rise in urging my colleagues to vote to sustain the President's veto of H.R. 1561. This is the third vote we have had on this bill. Last June, 192 Democrats voted against H.R. 1561. More recently in March, only nine Democrats supported the conference report. Only six Republicans voted against the conference report.

□ 1730

There is no bipartisan support for this bill.

As I said at the time the conference report was adopted, this was the first time in 13 years that I had the honor of serving in this body that a State Department authorization bill has been taken up in committee, on the floor, or out of a conference committee without bipartisan support.

Mr. Speaker, I would be happy to yield. Let me just finish my statement, and then, if I have time, I would be happy to yield to the gentleman.

Why is this bill for the first time breaking with the tradition that this House and this Congress has had to pass this legislation on a bipartisan basis? It is because this bill is not about a bipartisan foreign policy. It is not about protecting America's national interests while rationally reforming Government. This is about tying another scalp to the Republicans' Contract With America belt. It is about nailing another agency so that the Republicans could pretend to claim to have reduced the size of the Federal Government without regard as to whether or not their plan made sense and protected our national interests, just like the cockamamie idea to abolish the Commerce Department when it took every single purpose of that Department and put it in some other part of the Federal Government.

Mr. Speaker, their plan would have eliminated the Arms Control and Disarmament Agency at a time in which clearly one of the most serious threats we face are weapons of mass destruction: nuclear, biological, and chemical. It is about usurping the rights of a Democratic Commander in Chief, trying to paint the President into a corner so he would appear ineffective. Well, President Clinton stood strong, said ''No.'' As he stated in his veto message, the inflexible, detailed mandates and artificial deadlines included in this bill should not be imposed on any President.

I urge my colleagues to support the President, to sustain his veto, and, if I have any additional times, I am happy to yield to my friend, the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding. Just let me say that, as my colleague knows, he must find some things in this bill that he agrees with. I mean we worked together on the refugee provisions. There are a lot of things in this bill: the boat people, protections that are in the bill.

But let me just say, so the record is very, very clear about this, during markup of this legislation we had five hearings that preceded the markup in my subcommittee because major provisions of this bill went through my subcommittee because we are the committee of jurisdiction on the State Department. I was much aghast and chagrined by the fact that my ranking member walked out. Rather than participate in the markup, he walked out.

So we talk about bipartisanship. We sought at every turn to include rather than to exclude.

Mr. BERMAN. Mr. Speaker, I would like to respond simply by pointing out two things.

One, I think in retrospect that that was a mistake. Second, the gentleman knows full well, because he has told me on many occasions, he does not agree with the decision to abolish these agencies. He thinks the U.S. Information Agency has a purpose independent from the State Department in communicating a message to the captive countries of this world that agency from the government to government relationships of that State Department. He knows there is no underlying sense in the abolition of these agencies; that is why we are supporting the President's veto. That is why it is the right thing.

Mr. GILMAN. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, as the gentleman from California pointed out, I had misgivings about the consolidation taken as it was originally passed by the House, but we worked with that. There was a spirit of compromise, a spirit of giving and taking, and we got from a consolidation of three agencies down to one, leaving the option to the President of the United States to decide which agency would go. It is my feeling that USIA would not go. It is made up of many more people than ACDA and ACDA was the most likely, which is a relic of the cold war period. I did not know that for sure, but now I have come to that conclusion after much study and research.

So it could be done. We have got to save money.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. CHABOT], another distinguished member of our Committee on International Relations.

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

Mr. CHABOT. Mr. Speaker, I rise in strong support of the effort to override President Clinton's ill-advised veto of the Foreign Relations Authorization Act. It is time to end the foreign aid ripoffs, and this legislation is a good start.

I want to take a moment to applaud the hard work and tremendous leadership of the chairman, the gentleman from New York [Mr. GILMAN]. Chairman GILMAN and the Committee on International Relations' staff have spent countless hours putting together a truly historic piece of foreign policy legislation, only to have it vetoed by a President who prefers the status quo. From the time our committee began deliberations last year, the Clinton administration stood in the way. In fact, top White House lobbyists promised to and I quote, ''delay, obfuscate and derail any effort to consolidate outmoded foreign policy bureaucracies and reduce the amount of taxpayer dollars used for foreign aid.'' They tried but had failed. Congress passed the bill, but the liberal foreign policy establishment had the last word. The President vetoed the legislation saying that our money levels, quote, ''fall unacceptably below the level of foreign aid'' he wants.

Mr. Speaker, let us take a look at just what the President vetoed: a bill that would drastically reduce waste in our foreign affairs bureaucracies, that would fully fund our international war on drugs, that would assist Chinese women fleeing coercive abortion policies. that would finally apply McBride fair employment practices to Northern Ireland, and that would support our longtime friends and allies in Taiwan.

Why did President Clinton veto this bill? Too many reforms, too little bureaucracy, too few tax dollars going to foreign aid. So much for the President who recently told us that the era of big government is over.

Mr. Speaker, H.R. 1561 is a good bill. It would strengthen America's role in

foreign affairs, and it would provide much needed relief to the American taxpayer.

Let us say no to the status quo, no to the ripoffs. Override the Clinton veto.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Houston, TX [Ms. JACKSON-LEE].

Ms. JACKSON LEE of Texas. I thank my colleague from Florida, and I guess I risk to vigorously disagree with my well-intended colleagues on the other side of the aisle.

I come from a community richly diverse, with many international citizens and international concerns. This is a bad bill, and I would rather have a better bill. I realize the intensity of the work that went into H.R. 1561, and I applaud those who have worked on it. But I think we can go a step further and make this bill more responsive to the responsibilities of the President of the United States.

This bill would impede the President's authority to organize and administer foreign affairs agencies to best serve the Nation's interests. The Agency for International Development, United States Information Agency, and the Arms Control and Disarmament Agency are doing valuable work that would be undermined if various programs are consolidated under the State Department.

Yes, we can save money. We all agree that a balanced budget is important. But the cuts in this particular legislation undermine the President's effort and this country to be a world leader.

This bill does not speak well of America's leadership in the world. As a superpower, we must lead by example. We must promote democracy and human rights. We must not isolate ourselves from the rest of the world.

I would ask my colleagues to consider sustaining the President's veto. For example, this bill limits U.S. population assistance. Here we go again, with personal interests and attitudes about the United States' very forceful and productive efforts in working with the world population.

This bill does not allow very important agencies, like the U.S. Information Agency, to carry on its responsibilities, and likewise, I say to my friends on the other side of the aisle, this bill simply ties the chief executive officer's responsibility on the world forum.

Yes, it is important to find a balance between the interests of Taiwan and China. Well, we must find it in a way that fairly treats all entities in this and respect previous obligations that this country has made and the Congress has approved. Yes, we must deal with countries like Indonesia and Burma and Turkey and Ireland, but we must likewise see fit to insure that we bring forth a balanced State Department funding and State Department legislative bill.

I would ask simply that this veto be sustained in order for us to get the better bill, the better bill that would insure the reimplementation of agencies such as the Agency for International Development, the United States Information Agency, and Arms Control and Disarmament Agency, as well as insuring that the opportunity to deal with U.S. population and opportunities and service around the world are continued.

Please respond and recognize we must work with the President, not against the President, to insure the right kind of policy internationally.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO], another member of our Committee on International Relations.

Mr. MANZULLO. Mr. Speaker, in his State of the Union Address, President Clinton boldly declared that the era of big Government was over. Sadly enough, our vote to override the President's veto of H.R. 1561, the Foreign Relations Authorization Act, proves the hollowness of his claim.

H.R. 1561 is the first bill in 40 years to reduce and reform this country's international affairs bureaucracies. A multitude of international agencies and programs proliferated during the cold war in an effort to contain and roll back global communism. With this mission successfully completed, it is time to redesign our foreign policy apparatus. H.R. 1561 consolidates the Agency for International Development, the Arms Control and Disarmament Agency, and the U.S. Information Agency into the State Department and reduces their budgets to force streamlining efforts. This bill will save the taxpayers $1.7 billion over 4 years.

In January 1995, Secretary of State Warren Christopher proposed to President Clinton that he consolidate the many foreign affairs agencies that had sprung up during the cold war. Mr. Christopher wisely argued that the Agencies' independence did not facilitate cohesive policymaking. Republicans took the Secretary at his word and devised such a streamlining bill. Unfortunately, President Clinton ignored the advice of his own Secretary of State when he vetoed H.R. 1561.

Mr. Speaker, this bill reduces bureaucratic duplication, it cuts the budget, and provides a bold new direction to U.S. foreign policy for the coming century. I ask my colleagues to help end the era of big Government and support the motion to override President Clinton's veto.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this provision, as vetoed by President Clinton, is styled the American Overseas Interest Act. I find it passing strange that in all of our discussions, not just here today, but in the runup to this particular measure being on the House floor and the subsequent veto by the President, very little is being said about American interests abroad in a fashion that allows for the private sector to be considered by those actions that are undertaken by us as policymakers.

It is a fact that American business interests benefit greatly from the efforts that are put forth on behalf of our great country. Toward that end I cannot believe that we would want to mandate such a far-reaching reorganization of the U.S. foreign policy apparatus that has no connection to the real problems of foreign policy.

☐ 1645

In my view, having sat in many hearings with my colleagues, it is reorganization for the sake of reorganization. In the final analysis, it just simply will not serve the best interests of this country.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of the veto override of H.R. 1561, the American Overseas Interest Act.

One of the most important provisions in this bill is the inclusion of the MacBride Fair Employment Principles, consisting of nine fair employment, antidiscriminatory principles that are a corporate code of conduct for United States companies doing business in Northern Ireland. The MacBride Principles were initiated in November 1984 and since their inception have provided Irish-Americans with a direct, meaningful, and nonviolent means of addressing injustice in Northern Ireland. The principles do not call for quotas, reverse discrimination, divestment—the withdrawal of United States companies from Northern Ireland—or disinvestment—the withdrawal of funds now invested in firms with operations in Northern Ireland.

It is my hope that someday employment practices in Northern Ireland will be fair so that this kind of legislation will no longer be necessary. However, at this stage in the Northern Ireland peace process the voice of the United States on the topic of fair employment practices is more critical than ever. I am proud to endorse this bill and urge its passage.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH], a senior member of our Committee on International Relations and the distinguished chairman of our Subcommittee on International Economic Policy and Trade.

Mr. ROTH. Mr. Speaker, I thank my friend, the chairman of the full committee, for yielding me this time.

Mr. Speaker, the President has been very badly advised in vetoing this bill. It is clear that the foreign aid establishment has closed ranks in opposition to any meaningful reforms. The bureaucracy has worked overtime to maneuver the President into opposing any

changes in our Government's bloated and outdated foreign policy machinery.

Consider just two provisions of our bill which the bureaucracy has fought tooth and nail: First, our bill curtails the foreign aid pipeline. How many Members in this House know that AID has $8 billion socked away? That is right, $8 billion left over from previous years. This is on top of the $6 billion that Congress appropriated to AID this year. Five years ago, AID alerted us to this problem. For 5 years, we have fought to put some limits on this program.

The bill before us would reduce this foreign aid waste by $1 billion. It would help make permanent reforms to stop the waste that results from overfunding foreign aid programs. But the opponents of this bill say no to any cuts in the foreign aid pipeline.

Second, the bill shuts down one of the worst-run programs in the Government, the housing guarantee program. How many Members know that for 35 years, the American taxpayer has cosigned loans all over the world for housing and community development? Today, the American taxpayer is in hock for nearly $3 billion in these guaranteed loans in 44 countries.

My subcommittee has conducted a 2-year investigation of this program. Do Members know what we uncovered? We uncovered huge losses in this program. Half, half of the countries which have U.S.-backed loans have stopped payment. That is right; 22 out of the 44 countries. GAO estimates that we are going to have to pay over $1 billion in bad loans. Our bill would shut down this program and stop the losses by imposing tough penalties on these deadbeat foreign governments. But the foreign aid bureaucracy wants to keep this program going even though it is hemorrhaging money.

There are two other examples, but these two examples, I think, pinpoint the problem with this program. These examples are of vital importance if we are to make the reforms that our taxpayers demand be made. But the foreign aid establishment says no to any reform. For the bureaucrats that populate the State Department, AID, and USIA and the arms control agency, the watchword is business as usual. We cannot have business as usual. That is why we want to override the President's veto, because what we are doing is making some very basic reforms that have to be made.

Today, this House has the opportunity to strike a blow for reform and to stop the abuse and put the interests of the American taxpayer first for a change. Mr. Speaker, I urge my colleagues to join me in voting for reform by voting to override the President's ill-considered veto.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Virginia [Mr. MORAN], a member of the Committee on International Relations.

Mr. MORAN. Mr. Speaker, I thank my friend and colleague for yielding time to me.

Mr. Speaker, I rise today to urge this body to sustain the President's veto of this neoisolationist foreign aid bill called the American Overseas Interests Act. We all know this bill proposes deep cuts in our foreign assistance budget and wants to dismantle either the Agency for International Development, the Arms Control and Disarmament Agency, or the U.S. Information Agency. But what we do not adequately appreciate is the important and distinct responsibilities that all these agencies perform on a day-to-day basis. Those functions and responsibilities will not be performed in the same independent nor effective manner as they are now performed if they are combined within the administrative structure of the State Department. Some of their mission and independence will be compromised.

It is wrong for us to restrict this or any other President's ability to address the complex international challenges and opportunities of the post-cold-war era. At issue is whether the United States will have the policies and the resources available to open markets, to prevent conflicts, to advance our national interests through people-to-people contacts by broadcasting the truth as an antidote to the poison of extremist propaganda, and to prevent crisis through humanitarian aid.

The United States must continue to lead this world. We should not turn our back on a half-century of success. Our past strong investment and a vigorous foreign policy continues to pay enormous dividends: The end of the Soviet Union, a world map dominated with democracies and allies, expanding markets, especially in the Third World, and free elections in South Africa, just to mention a few.

This bill undermines our leadership role in the world. To cut development aid will ultimately cost the United States more in the form of foregone markets, increasing demands for disaster relief, worsening environmental conditions and rising migration pressures.

Foreign aid is an important, cost-effective investment in the future. About 1 percent of the Federal budget is actually spent on foreign aid. Yet, Members have heard time and time again that most of our constituents think that it is about 15 percent of our budget that we spend, and believe it should be around 5 percent.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I would just remind the gentleman from Virginia that the foreign aid portion of this legislation was dropped in conference. This is consolidation and State Department reauthorization part C, which was in the original bill, and the gentleman is correct in noting that that was dropped, so the bill that the President vetoed had nothing whatsoever to do with the foreign aid portion of the legislation.

Mr. MORAN. I appreciate that clarification, Mr. Speaker, But the point that I am making, Mr. Speaker, is the support that this country has for foreign aid, more support than it is obvious to us when we listen to the debate.

The fact is that most Americans think we should be spending five times what we are spending for foreign aid. The fact is that AID is a principal funnel for that foreign aid. I do think that their mission would be compromised if in fact they are consolidated within the State Department.

We ought not wait for a disaster to act, because then the costs are going to be much higher. We ought not revert to the isolationist attitude of the 1930's. What happens in one part of the world can happen in our part of the world. We should not forsake our leadership role in this world. We should be eager to lead this world to promote our interests.

The United States is the world's leader. We have earned that position, not just because we have the strongest military, but because our diplomacy is so effective. Our political and cultural values are widely shared, and our economic system is emulated around the world. The reason is because in the past we have had bipartisan support in Congress and in the administration for a sound appropriation for the managing of our foreign affairs. But with leadership comes responsibilities. I do not think this bill meets them.

We just heard from the AID administrator, Brian Atwood, in the Committee on International Relations. He has cut over 17 percent of his personnel at AID, from 11,000 to 8,700 since President Clinton was elected. That is the second largest cut in the Federal Government. I do not think that cut would have happened if it was part of the State Department.

The administration has already implemented significant steps to reinvent our international operations and reduce costs to the taxpayers. We have asked the government to cut waste, to reduce programs, and to freeze future planning. This administration has responded vigorously with a scalpel, cutting away the fat and the dead tissue.

The problem with this bill is that it hacks away at the muscle and vital organs with a cleaver. It is all posturing and politics to be able to say we eliminated an agency, whatever that agency might be. We are given three choices, but we have to eliminate one of them. It is an artificial savings. It harms not only the body politic, but more importantly, the head of this world in terms of foreign policy, in terms of advancing democracy, advancing truth throughout the world.

We ought not do this. This is a step backward. We have need to be moving forward into a global economy and advancing our democratic interests, creating more purchasing capabilities in

Third World countries that in turn result in market opportunities for our firms.

Mr. Speaker, I urge my colleagues to sustain this veto.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas [Mr. BROWNBACK], a member of our Committee on International Relations.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Kansas.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Kansas [Mr. BROWNBACK] is recognized for 3½ minutes.

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

Mr. BROWNBACK. Mr. Speaker, I ask my colleagues and urge them to support this veto override. We need to do this. We need to do this consolidation. If it has not been already pointed out, or even if it has, I would like to reiterate that this is being supported by Secretary Baker, and previously it had the support of Secretary Christopher, until he was talked out of it by some other people within the administration.

I think it is key to point out that lead individuals within the administration, people that have occupied key positions within the foreign policy apparatus, have said that we need to have this sort of consolidation take place. These old entities do not have a place at this point in time of U.S. history. It is important for us to be able to effectively manage our foreign affairs resources at a time of declining budgets, at a time of declining budgets, when we are going to better manage our foreign affairs budgets and resources, that they be put in together, that they be allowed to be managed and consolidated.

The very essence and focus of this bill was to allow some people that are running the foreign policy apparatus to be able to more effectively and efficiently operate the foreign policy apparatus, rather than from these myriad different stand-alone entities. Let us allow some ability to be able to manage this. Any time we are going into a time like we are of balancing the budget for the first time since 1969, we are going to be making changes, needed changes, real changes to take place. What we are going to have to do is allow some flexibility of people in the system to make those changes.

This bill does that. Secretary Christopher was supportive of this bill, and then was talked out of it by other people within the administration, saying, ''Well, you should not do this.'' A prior Secretary of State, Secretary Baker, who I would say knows a little bit of something about foreign affairs and foreign policy, says, ''This is a good thing to do. You need to be able to do this to be able to manage foreign affairs.'' We do not need 5 different entities doing foreign affairs in the United States. We need one Secretary of State. We need to be able to act, to be able to move, and to be able to get things done.

Mr. Speaker, I think it is more posturing and politics to leave it alone and to not do the veto override; that it is more posturing and politics to say, well, OK, they are just trying to do this to show that they can eliminate an agency, rather than listening to their own people within the system who have said that these are things that needed to be done; than to listen to the people who historically have worked in this area and are saying we need this to effectively manage in a time of downsizing.

With that, Mr. Speaker, I urge my colleagues to support the veto override. It is needed. It is needed to effectively manage the foreign affairs arena in our country. I urge my colleagues to vote in favor of the veto override.

□ 1800

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

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

Mr. HASTINGS of Florida. Let me ask my colleague, for whom I have great respect, and I certainly have great respect for former Secretary Baker that he mentioned, did he say how this reorganization should take place? And specifically which agency should be eliminated? And could the gentleman tell me how all of that, put in context, is going to help improve foreign policy?

Mr. BROWNBACK. I would be happy to. He testified in front of the Committee on Foreign Affairs, of which my colleague is a distinguished member, as well, saying that this was an entity, that one of these or several of these entities needed to be folded within the State Department itself. What we are saying in this bill is, let us let the State Department itself pick and choose which would be the most effective now, at this point in time, so that they could implement what Secretary Baker and what Secretary Christopher have suggested earlier, as well.

Mr. HASTINGS of Florida. But if the gentleman will yield further, how does that improve foreign policy? When a mission is closed, a U.S. citizen is seeking assistance in some foreign place, how does that help that U.S. citizen? And we do know that missions are closed.

Mr. BROWNBACK. It helps by virtue of allowing the key foreign policy leader for this country who the President has appointed, the Secretary of State, the added flexibility to be able to say in a time of declining budget, ''I have this as a higher priority than this artificially set entity over on the other side that the Congress has put.'' It gives that individual greater flexibility to be able to address what they deem to be the key and the highest point interest. That is why we urge this bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. PAYNE], a distinguished member of the Committee on International Relations and the chairman of the Black Caucus.

(Mr. PAYNE of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. PAYNE of New Jersey. Mr. Speaker, President Clinton in his State of the Union Address promised ''to end the era of big government.'' Big government is over. I think we've got the wrong idea of exactly what the Government should and should not do.

The other side wants us to believe that the United States should not be responsive to the needs of the poor, the hungry, and the dying. They don't want to share in the cost of peacekeeping missions, sustainable development programs, population assistance, and our national security.

Yes, the cold war and imminent nuclear threats of communism and remnants of the past. The core missions of USAID, USIA, and ACDA have changed. Nonetheless, they have been able to adapt to the paradigm shifts of this era.

I am ashamed that I live in a society that devalues human life. While our aid budget is shrinking, our defense budget is steadily increasing. Looks to me like someone forgot to tell the GOP that the Soviet Union is gone.

The GOP claim that this piece of legislation is important because it reflects our American values. Our American values? If this is a reflection of our American values, it is clear just what we value.

We spend less than 1 percent on aid to less developed countries even though the American people said they would be in favor of a 5-percent increase. The G–7 countries especially Japan has become the No. 1 aid donor. They are outranking us in everything.

Where should U.S. foreign policy be targeted for the 21st century? I'll tell you. It should go to Africa and Asia where almost 45 percent of the people live below the U.N. level for absolute poverty.

If this piece of legislation passed, it would undercut U.S. leadership abroad and damage our ability to assure a secure future for all Americans. As an American, I was led to believe that we had a responsibility to help out our allies and friends.

Our friends on the other side of the aisle want to end the Agency for International Development's housing guaranty [HG] program, and restrict the United States from participating in the U.N. Human Rights Committee.

They clearly have different value systems.

The GOP wants to change that. The bill would also restrict funds to normalize relations with Vietnam. The Vietnam war was a horrible war in American history. The hard work we have made with the help of our foreign commercial service has opened markets. They have, more importantly, healed open wounds left from the war.

Yes, my friends, the cold war is over. However, when we talk about cutting agencies like USAID, we are talking about returning to those dark days of foreign policy. Remember—when power and democracy were synonymous, when ballistic missile proliferation were our sleeping partners, our Japan policy was viewed through Soviet lens.

The GOP wants to overturn glasnost and detente.

The bill also limits participation in international organizations such as the United Nations. It also undermines the President's ability to conduct foreign policy.

I have received many letters from my constituents saying the United States should pay up the debts owed to the United Nations. We use the United Nations as a shield and our scapegoat. We used the United Nations in the gulf war.

I cannot with a clear conscience support the veto override. The state of the American Nation and the state of the world are depending on it. At a time in history when our enemies were clear, someone once said, ''We can only secure peace by preparing for war.''

Even though the Berlin wall has fallen, the GOP wants to take us back to isolationism of the 1930's. Let's let our democracy programs work before our missiles do. Sustain the President's veto of H.R. 1561—Foreign Relations Authorization Act.

Mr. GILMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois [Mr. HYDE], the distinguished senior member of our Committee on International Relations.

Mr. HYDE. I thank the gentleman for yielding me the time and I thank the gentleman for the characterization as senior member. I appreciate that. I guess I am.

Mr. Speaker, I just hope that the Members will override the President's veto. I know that is difficult to do for some Members, but there are some very important human rights provisions in this legislation, most significantly, the MacBride principles which require fair employment practices by companies with using American funds over in Ireland. If there is any reason in the world why fair employment should not obtain, especially with American funds, I cannot think of it, and the MacBride principles are very important. This bill restores them. As I say, they are very significant.

In addition, this bill remedies a situation where Chinese women have come to this country to escape coerced abortion, coerced sterilization, and they have sought to apply for asylum. Instead, they were brought to our hearing rooms in chains. I think that is a stain on our Nation's conscience. This bill would give them legal status. We consolidate the foreign aid bureaucracy, which is very important.

I think there are a lot of reasons to vote to override and I hope the Members do.

Mr. HASTINGS of Florida. Mr. Speaker, would the Chair be good enough to give me the remaining time on both sides?

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Florida [Mr. HASTINGS] has 2 minutes remaining, and the gentleman from New York [Mr. GILMAN] has 3½ minutes remaining.

Mr. HASTINGS of Florida. The gentleman from New York has the right to close; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. HASTINGS of Florida. That being the case, Mr. Speaker, then, I am pleased to yield my remaining time to the gentleman from New York [Mr. ENGEL], a former member of the Committee on International Relations and the newest member of the Committee on Commerce, and we hope that he will return to the Committee on International Relations.

The SPEAKER pro tempore. The gentleman from New York [Mr. ENGEL] is recognized for 2 minutes.

Mr. ENGEL. I thank my friend from Florida, who is my mother's Congressman and is doing such a great job, and I intend to return to the committee.

Let me say first of all, Mr. Speaker, I hope that our House will vote to sustain the President's veto. This is not a good bill and the President was correct in vetoing it. This is an isolationism bill. It is a retrenching bill, a retreating bill.

The United States is the leader of the free world. No one anointed us as leader. We took the mantle. As a result, we have a responsibility. Countries look to us and we have a responsibility for our own self-interest.

There was no Democratic input into this bill. There is a haphazard reorganization of U.S. foreign policy agencies. In fact, it is, Pick an agency, any agency, we want to close an agency, it doesn't matter what agency, just pick one. That is no way to conduct foreign policy. The appropriations are too low. There are not enough funds in here. It undermines the President's ability to conduct foreign policy.

My colleagues on the other side of the aisle unfortunately seem to want to embrace isolationism. With the collapse of the Soviet Union and the collapse of communism, I feel that the Republican Party is reverting back to its 100 years ago isolationism policies. This is a dangerous policy.

Henry Kissinger, we all know Henry Kissinger, a very prominent Republican Secretary of State, says about this bill, and I quote, ''Further cuts would necessitate closing many overseas posts with the result that there would be less complete political and economic reporting on foreign conditions, less effective representation and advocacy of U.S. interests in foreign countries, and less adequate services provided to U.S. citizens traveling abroad, tourists or business people.''

So even Henry Kissinger realized that the funding here is dangerously low, and that this is an isolationism bill and not really a very good bill at all. We should not undermine the President's ability to conduct foreign policy. We are the leaders of the world, my colleagues. Let us act like the leaders of the world. Let us sustain the President's veto. This bill ought not to become law.

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

Mr. Speaker, we have all heard the President's State of the Union promise to end the era of big government. President Clinton's own Secretary of State, Warren Christopher, showed that over a year ago when he moved to close three outdated international affairs bureaucracies and fold their functions back into the State Department, giving the President the discretion to pick and choose of those three agencies which he wanted to fold.

This is not an isolationist policy. Responding to Secretary Christopher's plan, this Congress passed a major reform bill to follow through with this plan, reducing waste, duplication, and overlapping among these Federal agencies that are best designed to fight a cold war that ended 5 years ago.

And what was the President's response? His lobbyists responded by promising to, and I quote, ''delay, obfuscate and derail'' our bill. They failed, and the Congress passed the first sweeping foreign affairs reform bill in over 40 years. The President then used a congressional recess on a Friday afternoon, after the press deadline, to veto the bill which his own Secretary of State first suggested.

With this veto, the President defended the bureaucracy and the status quo in opposition to his own Secretary of State. This is clear proof that under this White House, the era of big government is not over. It lives on, despite the best advice of senior members of his own Cabinet.

We are here today to override the veto of the Foreign Relations Authorization Act. In short, this bill gives the President the flexibility to merge one of three foreign affairs agencies back into the State Department as recommended by Secretary Christopher. This bill fulfills the President's campaign promise to back the MacBride fair employment principles in Northern Ireland. This veto means that he has reneged on his promise to our Irish-Americans.

☐ 1815

This bill, the product of many hours of negotiations, fulfills many of the administration's objectives, and yet the President vetoed the bill after months of refusing to allow his agencies to work with our House and Senate Committee on International Relations to craft a bipartisan measure.

The hue and cry is that this needs to be a bipartisan bill. This needs to be a bipartisan process. Traditionally this is a bipartisan measure, but, let me point out, bipartisanship requires all parties to participate in this debate.

In this case the administration, the opposition party, offered nothing but roadblocks. In over 50 hours of negotiations on the bill's conference, the House and Senate Democrat staff only attended for purposes of note taking.

I commend the members and staff of our Committee on International Relations for their diligent, tenacious efforts to enact this bill and to fulfill our promise to the American people to reduce the size of the Federal Government.

Accordingly, I urge my colleagues to support this motion to override the President's shortsighted veto of H.R. 1561, the Foreign Relations Authorization Act. Congress has delivered and the President should be held accountable for rejecting a bill that helps to advance our U.S. foreign policy and to end the era of big government.

Mr. LANTOS. Mr. Speaker, I rise today in strong opposition to the adoption of H.R. 1561, the objections of the President notwithstanding.

I have served as a member of the Committee on Foreign Affairs and now the Committee on International Relations since I was first elected a Member of the Congress. In the nearly 16 years that I have served in this body, I have never seen such a partisan, one-sided, ill-considered piece of legislation come out of our committee.

Earlier the chairman of the Subcommittee on International Operations and Human Rights talked about the process by which this legislation was shoved through the Subcommittee and Committee. He made reference to me, in my capacity as ranking minority member of the subcommittee, although he did not mention me by name. I was the Democrat who walked out of the subcommittee markup of the sections of H.R. 1561 that were in the jurisdiction of that subcommittee. I was joined in walking out of that markup by every other Democratic member of the subcommittee. Let me explain why my colleagues and I took that action.

Mr. Speaker, the traditional practice when the Democrats were in the majority on the Foreign Affairs Committee was to consult with the minority on all of the issues being considered in the foreign affairs authorization legislation to reach bipartisan compromise on as many issues as possible on the legislation, to reach out and work together to resolve differences. That did not happen. The chairman of the International Operations Subcommittee consulted with some individuals who were not members of the subcommittee or even members of the full International Relations Committee, and he included provisions of interest to them. He did not, however, have the courtesy to consult with me or other members of the minority on the subcommittee on any of these issues.

Not only were we not consulted on the legislation, when we went into the markup of H.R. 1561, we did not have the final version of the bill until the very morning the bill was to be considered. As ranking minority member of the subcommittee, the first version of the bill was delivered to me late on a Wednesday night. Major changes were made in that bill, and a second revised version was delivered to me 2 days later on a Friday evening. The last changes in the bill were made the following Sunday afternoon. The markup took place the following day—on Monday morning.

I make this point, Mr. Speaker, because I want the record to be clear. There was no bipartisan effort to work out differences or resolve problems in advance. The fact that all of my Democratic colleagues joined me in walking out of the markup only indicates the partisan nature of the process with which we have been dealing on this legislation during the past year.

I might add, Mr. Speaker, that the conference report was handled in the same partisan fashion. The Republican members of the House International Relations Committee and Republican members of the Senate Foreign Affairs Committee met, made their decisions on the legislation, and presented what they had done to the Democratic Members. We were invited to accept what they had done without any opportunity whatsoever to participate in the process of producing a better piece of legislation.

Mr. Speaker, I have long advocated bipartisan cooperation on our foreign policy. I am still a strong advocate of such cooperation. We are strongest when we are united. There is no reason we can not and should not work together for the improvement of our country's foreign relations. There are serious threats to our Nation, serious threats in the international arena which affect all Americans. We must work together to meet those challenges. Making partisan political points—which is precisely what H.R. 1561 is about—will do nothing to strengthen our Nation's foreign policy. While there are a few good elements in the legislation, on the whole it will weaken our Nation's ability to face the international challenges we face. We need thoughtful cooperation, and we need careful bipartisan consideration of such legislation.

Mr. Speaker, I strongly urge my colleagues to join in voting against the override of the President's veto on this legislation. This is a bad bill. This is a partisan bill. This is a bill that should be defeated.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise to again state for the RECORD that I am constantly amazed at the lengths to which the Gingrich Republicans will go to waste the time and money of the American people. Again, we are called to vote to override a Presidential veto on a measure that has been voted for by Members who are subservient to the conservative Republican leadership.

This bill was rejected by the President because it directs a major reorganization of U.S. foreign policy agencies—structured in the most partisan of ways. The President's veto message says: ''This legislation contains many unacceptable provisions that would undercut U.S. leadership abroad and damage our ability to assure the future security and prosperity of the American people. It would unacceptably restrict the President's ability to address the complex international challenges and opportunities of the post-cold-war era. It would also restrict Presidential authority needed to conduct foreign affairs and to control state secrets, thereby raising serious constitutional concerns.''

I couldn't have said it better.

Mr. Speaker, all across America, schoolchildren studying American history are learning about America's bipartisan foreign policy that allows our Government to function from administration to administration in our dealings with other countries and world leaders with the knowledge that there will be consistency in our dealings with other governments. World leaders trust American foreign policy because of the strength of our historical ability to forge and carry out a bipartisan foreign policy. This bill strikes all that down.

The Gingrich Republicans have been unable to impose their radical views on America's foreign policy through reasonable debate so they are attempting to force America's foreign policy to their philosophy by imposing reorganization and restrictions on the President. The Gingrich Republicans have been unable to work in harmony with the Clinton administration so they are attempting to force their radical conservative views on America's dealings with foreign policy.

The Gingrich Republicans apparently don't know anything about coalition-building and cooperation with others in Congress to achieve objectives through communication and coordination. These elementary organizational and management strengths are the foundations of America's foreign policy development, and without them being used successfully, America is made to look like a bunch of kids fighting over a ball on the playground.

In closing, the veto message states: ''I recognize that the bill contains a number of important authorities for the Department of State and the U.S. Information Agency. In its current form, however, the bill is inconsistent with the decades-long tradition of bipartisanship in U.S. foreign policy. It unduly interferes with the constitutional prerogatives of the President and would seriously impair the conduct of U.S. foreign affairs. For all these reasons, I am compelled to return H.R. 1561 without my approval.''

And for all these reasons, I urge my colleagues to vote to sustain the President's veto of H.R. 1561.

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

The SPEAKER pro tempore (Mr. GOODLATTE). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 234, nays 118, not voting 11, as follows:

[Roll No. 136]

YEAS—234

Allard	Boehlert	Chenoweth
Andrews	Boehner	Christensen
Archer	Bonilla	Chrysler
Armey	Bono	Clinger
Bachus	Brownback	Coble
Baker (CA)	Bryant (TN)	Coburn
Baker (LA)	Bunn	Collins (GA)
Ballenger	Bunning	Combest
Barr	Burr	Cooley
Barrett (NE)	Burton	Cox
Bartlett	Buyer	Crane
Barton	Callahan	Crapo
Bass	Calvert	Cremeans
Bateman	Camp	Cubin
Bereuter	Campbell	Cunningham
Bilbray	Canady	Davis
Bilirakis	Castle	Deal
Bliley	Chabot	DeLay
Blute	Chambliss	Diaz-Balart

Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—188

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

NOT VOTING—11

Bryant (TX)
Clay
Ford
Hayes
Jefferson
Johnson (SD)
Kaptur
Kingston
Lincoln
Molinari
Rush

☐ 1836

The Clerk announced the following pair:

On this vote:

Mr. Kingston and Mr. Hayes for, with Ms. Kaptur against.

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will notify the Senate of the action of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2951

Mr. PETRI. Mr. Speaker, having discovered a clerical error relative to H.R. 2951, I ask unanimous consent that the gentleman from California [Mr. BROWN] be removed as cosponsor of that bill.

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

There was no objection.

ORDER OF POSTPONED VOTES ON SUSPENSIONS

Mr. HOYER. Mr. Speaker, after consultation with the majority leader, I ask unanimous consent that H.R. 3008, a postponed vote on suspension, precede the vote on H.R. 1823.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules. Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed today, in the order agreed to by the unanimous-consent request of today.

Votes will be taken in the following order: H.R. 3008, by the yeas and nays; and H.R. 1823, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

HELIUM PRIVATIZATION ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3008.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. ALLARD] that the House suspend the rules and pass the bill, H.R. 3008, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 10, not voting 12, as follows:

[Roll No. 137]

YEAS—411

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
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde

Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
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
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
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
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—10

Abercrombie
Becerra
Collins (IL)
Combest
Dingell
Gibbons
Rahall
Thornberry
Waters
Yates

NOT VOTING—12

Bryant (TX)
Clay
Clinger
Ford
Hayes
Jefferson
Johnson (SD)
Kaptur
Kingston
Lincoln
Molinari
Rush

☐ 1857

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

AMENDING CENTRAL UTAH PROJECT COMPLETION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1823, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1823, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 412, nays 0, not voting 21, as follows:

[Roll No. 138]

YEAS—412

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
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
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
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Clyburn
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Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
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Cooley
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Cubin
Cummings
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Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
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Edwards
Ehlers
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Emerson
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English
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Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Fields (TX)
Filner
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Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
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Frelinghuysen
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Goodlatte
Goodling
Gordon
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Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
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Hall (OH)
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Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
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Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
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)
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Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
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Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
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Spence
Spratt
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Stearns
Stenholm
Stockman
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Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Boehlert
Bryant (TX)
Clay
Clinger
Durbin
Fazio
Ford
Hayes
Hostettler
Hoyer
Jefferson
Johnson (SD)
Kaptur
Kingston
Lincoln
Molinari
Rush
Serrano
Sisisky
Watt (NC)
Weldon (PA)

☐ 1907

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON S. 641, RYAN WHITE CARE REAUTHORIZATION ACT OF 1995

Mr. COBURN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, April 30, 1996, to file the conference report on the Senate bill, S. 641, to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

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

There was no objection.

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

Mr. METCALF. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor from the bill, H.R. 1972.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2641, UNITED STATES MARSHALS SERVICE IMPROVEMENT ACT OF 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–543) on the resolution (H. Res. 418) providing for consideration of the bill (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, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2149, OCEAN SHIPPING REFORM ACT

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–544) on the resolution (H. Res. 419) providing for consideration of the bill (H.R. 2149) to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes, which was referred to the House Calender and ordered to be printed.

FAREWELL TO DOORKEEPER GARY HEUER

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

Mr. ARMEY. Mr. Speaker, I would like to take a few moments here to pause and offer our best wishes and our thanks to someone whom all of us in this Chamber know—Gary Heuer. After 28 years of Government service, Gary is retiring. I hope he is retiring knowing that he carries with him our admiration and respect.

After dedicating his life's work to his country, Gary deserves our heartiest thanks. As much as we might selfishly miss him here where his work has been so needed and appreciated, we can all wish that in his retirement he will always have what he always gave to us—the very best.

I direct your attention to the west doors of the Speaker's lobby. The heavily bearded gentleman—known to some of the Pages as the Mountain Man—is, as most of you know, Gary Heuer. His somewhat imposing presence masks a kind and gentle core. His even manner with all people, and an intellect sharp in the ways of the legislative process have made him a tower of stability in a too-frequently chaotic atmosphere.

Gary's government service began in 1962 with a 4 year stint in the Air Force as a member of our expeditionary forces in Southeast Asia, where he was awarded the Good Conduct Medal. In 1966 he began working for U.S. Steel after moving to Texas. As we all know, moving to Texas is the sign of a truly intelligent man.

Gary began working for the Office of the Doorkeeper in 1972, and in the following 24 years, he has provided this body and its Members with a dedication that we've all come to admire and respect. Many of us here today have found ourselves relying on Gary for his insight and information with regard to the activities in this Chamber. We—as well as those future Members who have yet to tread these Halls—will find ourselves poorer for his absence.

Few present today have been so privileged to witness the history that Gary has observed—and, in a way, been a part of. SONNY MONTGOMERY, JIM QUILLEN, BILL YOUNG, JOHN MYERS, TOM BEVILL—those are just a few of the names with whom Gary has shared his time on Capitol Hill. Starting with Carl Albert, Gary has served under five Speakers of the House.

Six Presidents have presided over our country while Gary has watched from his vantage point here on the Hill.

All of us who know Gary will mark his retirement as the departure of a knowledgeable and dependable coworker. Those of us who know him well, especially his friends in the Chamber security unit of the Sergeant at Arms, will note his retirement as we would the departure of a much-loved member of the family.

I understand Gary will be trading his station in the Speaker's Lobby for the woodlands of Maryland and Indiana—his two homes. And let me tell you, as much as we will miss him, that does not sound like a bad swap. But I hope he will not forget he also has a home in our hearts—the mat at the door will always read welcome.

With true affection and respect we say to him, Gary, thank you and God bless you.

In your retirement, for all you have seen and all you have observed, please do not write a book. Thank you, Gary.

□ 1915

TRIBUTE TO GARY HEUER

(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, I want to concur and associate myself with the remarks of my distinguished majority leader. I think the tribute that was made here is absolutely on target. Many times we hear a name and we do not put a name with a face, and Gary has helped so many of us.

I just want to rise and say thank you, and I know when you pass, as you chronicled all of the highlights, you also did some traveling back and forth to Jack Brooks' office. Anybody that could stand Chairman Brooks has earned some distinction in our hearts. He was a tough customer.

So Gary, on behalf of all of us on this side of the aisle, we appreciate all of the kind remarks, all of the advice and counsel you gave us, all of the little things that Members ask about, and I think it is fitting that the tribute was made by our majority leader. I want to associate myself with those remarks, and I want to say God bless you from all of us.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOODLATTE). 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.

LANGUAGE AND ITS RELATIONSHIP TO IMMIGRATION IN THIS COUNTRY

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

Mr. UNDERWOOD. Mr. Speaker, for my 5 minutes, I want to speak to the issue of language and its relationship to immigration in this country. There has been a great deal of debate in recent months about the issue of declaring English the official language of the United States. Much of this movement is fueled by a sense of resentment about trying to deal with new, diverse elements in American society dealing with the pervasive sense of foreignness that many people have. People talk different, people look different, people act different. One of the ways that perhaps some people feel the way to kind of bring some order into this is to declare English the official language.

There is not much we can do about such resentment except to kind of wait

awhile and see if people understand the origins of where their resentment comes from; but there is also allied with this a great deal of misunderstanding and misimpressions and a lack of information about what immigrants are all about.

I want to bring some attention to a study, a recent study, done by Prof. Alejandro Portes, of the Johns Hopkins University, and Ruben Rumbaut of Michigan State, who have recently concluded a study entitled ''Growing up American: Dilemmas of the New Second Generation,'' which I believe refutes many, many of the misconceptions people have about immigrants.

One of the things that perhaps we need to bring to this debate about the role of immigrants in American society is certainly the role of language choice and language use by such immigrants in American society, in order to better inform the debate about declaring English the official language of the United States.

This study collected data from over 5,000 children and is the largest study of its kind in recent history. There are those who want to establish English as the official language who believe and frequently try to get others to believe that English is somehow in jeopardy of becoming extinct because immigrants are not willing to learn English.

In direct contrast to these assumptions, in San Diego, according to the Portes-Rumbaut findings, 90 percent of the respondents reported speaking English well or very well, and in Miami, this figure was over 99 percent. In fact, also sometimes advocates of declaring English the official language have proclaimed that immigrants have too strong a desire to retain their native language, a desire which I do not find problematic, but perhaps some people do.

However, this study found that, surprisingly, between 65 to 81 percent of the children of immigrants preferred speaking English to their parents' native language. So what we have, basically, is a replication of the exact same linguistic assimilation process that existed in this country at the turn of the century, and it has been largely undocumented and not well understood because people do not want to find out what exactly is going on in these communities.

In fact, the exact opposite problem has been expressed by many immigrant communities where, in fact, language loss is occurring at a very rapid rate, something that should be of concern to a country interested in educating its children, and certainly a country that should learn how to value bilingualism for its own sake.

This study also pointed out that quite contrary to the common assumption, if students live in kind of ethnic enclaves or neighborhoods where they have larger numbers of people from similar ethnic backgrounds, they actually are likely to learn English faster than people who live in more isolated communities related to their ethnic background. So this study challenges a lot of commonsense assumptions about the nature of linguistic assimilation this country.

This really should be the basis of our understanding of why we may not need to declare English the official language of the United States. It already functions as the lingua franca of the country. There are no problems associated with that. Any attempt to introduce English as the official language is an attempt to solve a problem which simply does not exist.

THE PRESIDENT'S VETO OF THE PARTIAL BIRTH ABORTION BAN LEGISLATION

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

Mr. GUTKNECHT. Mr. Speaker, I probably will not take my 5 minutes. I do want to take a few minutes tonight and talk a little about a newspaper that came to our house that we get every month from the diocese of Winona.

Hubert Humphrey, who came from Minnesota, a great Senator from the other party, once observed that if you love your God, you must love his children. I want to talk for a few minutes about the issue that was at the center of this month's issue of the Courier newspaper that is published by the diocese of Winona; that is, the partial birth abortion ban veto of the President by a few weeks ago.

In some of the strongest language I think I have ever seen on the pages of this newspaper, they take the President and the veto and the entire issue of the partial birth abortion ban to task. I would like to read for the RECORD, and I will place this into the RECORD, a letter that was written by all of the Minnesota bishops to express their position on this issue, because, as I say, this is some of the strongest language I think I have ever heard them use, and I think it needs to be part of this debate.

I think Americans of all faiths, Americans of all particular stripes, and frankly, an awful lot of Americans who would describe themselves as prochoice, find themselves somewhat surprised by the veto, and are saying that it is time that the Congress try to muster the votes so we can override this veto.

I want to read the letter that the Catholic bishops put together, because it is such a strongly worded letter and such a good letter.

Let me read it:

President Clinton's veto of the Partial Birth Abortion Ban Act is no less offensive for being widely expected. We denounce it. We do so not only from the resources of our faith, but also as citizens who, like millions of others, fear that this veto further imperils the human rights principles that have guided our nation for over 200 years.

The President claims that the Constitution forces him to veto the partial birth ban because *Roe* v. *Wade* requires an exception for serious adverse health consequences. But as the President and everyone familiar with abortion law knows, neither the *Roe* Court nor any other has ever ruled on the constitutionality of a law against killing a child during the process of being born. It is also well known that a ''health'' abortion, as interpreted by the Supreme Court, includes reasons having to do with a woman's marital status and age, as well as for any reason relevant to a pregnant woman's social or emotional ''well being.'' In other words, the exception the President insists upon would only ensure the continued practices of partial-birth abortions for virtually any reason whatsoever.

No claims about ''what the Constitution requires'' and no rhetoric about ''safe, legal and rare'' abortions can camouflage the nature of this Presidential veto. It is a declaration of unconditional support for abortion—abortions under any circumstances and by any means whatsoever, even those bordering on infanticide.

We strongly urge Congress to override this indefensible presidential veto and to begin to bring a modicum of sanity to the abortion debate in our country.

☐ 1930

As I said, Mr. Speaker, this is one of the strongest letters I think the Minnesota Bishops have ever put together, but this is an important issue. I hope that all Americans will join in this debate, and I hope all Americans will pray for this Congress, pray for this national leadership so that we can bring an end to this grisly, destructive practice which the Congress is attempting to outlaw. If we can get the votes to override this veto, we can bring an end to this procedure once and for all in the United States.

MENTAL ILLNESS PARITY SHOULD BE PART OF HEALTH INSURANCE REFORM

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

Mr. TOWNS. Mr. Speaker, each year mental health services are being provided to millions of our constituents, representing every age, ethnic and economic group in the country. Unlike many insurance policies, mental health illness does not discriminate among its victims. The illness could hit any one. And, without the proper treatment, leave an entire family scarred for life.

Mental illness can be every bit as debilitating as other major medical illnesses including heart disease and cancer; like them, mental illness can be successfully treated, enabling patients to return to productive lives. It would be unconscionable to legislate limits on the scope and duration of treatment for cancer, heart disease or diabetes. Unfortunately, time after time, limits are placed on mental health services and it is wrong.

For some strange reason there is a stigma placed on mental illness and I

believe this stigma is the root of ignorance. Mental illness is not due to some sinful behavior. The stigma has kept many individuals from seeking help, and it has prevented health professionals from providing needed services. It is my honest belief that if health plans provided parity in their mental health coverage the stigma would be instantaneously removed. No longer would patients be too embarrassed to seek help. And, no longer would providers be forced to turn patients away, and discriminate between illnesses.

People with mental illness, severe and otherwise, are just as sick as the next person who is suffering from cancer. The idea of not being able to think and reason for yourself is as disabled as one can be. The only real and important difference between physical illnesses such as cancer, or heart disease is that mental illness is a disease of the brain, and it appears to be more complicated. This disease can manifest itself in our centers of thought, reason, and emotion and leave us totally dependent on someone to think for us.

Individuals in need of health benefits for physical disabilities has come a long way. But mental health benefits are not at the same level, even though they serve an important population. These individuals are desperately in need of insurance reform. According to the American Psychological Association, overall national mental health costs are small—only 7 percent of the total health care spending. Insurance carriers have traditionally limited mental health benefits out of fear that parity of coverage would attract poor risks, increase their costs, and put them at a competitive disadvantage.

During the 103d Congress I actively worked to pass universal health coverage and was pleased that the disparity of mental health benefits was brought to the forefront of that debate. Now in the 104th Congress, we have a real opportunity to do something about this disparity.

I urge the conferees to allow the mental health community a chance to be on equal footing with other illnesses that are receiving benefits.

ADMINISTRATION UNVEILS NATIONAL DRUG CONTROL STRATEGY

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

Mr. MICA. Mr. Speaker, I come to the House floor tonight to talk about President Clinton and this administration's supposedly new policy relating to national drug control strategy.

Yesterday the President was in my State, and I was somewhat excited about the possibility of his coming to Florida and announcing a new drug strategy. Unfortunately, my hopes for some new approach to this tremendous problem facing our country, particularly under his stewardship, were immediately dashed when I first learned that the President's major activities were several Democratic fund-raising events in the Miami area and I guess a golf game and some other activities. I really thought he was going to come forth with a new strategy, but that was not the case.

Then I got my hopes up until I got a copy of the national drug control strategy that was just released by the administration. I had hoped that there would be some solid solutions to some of the problems, and I find that actually it is just sort of repackaging in sort of a slick cover some of the same approaches that have proven so ineffective during the past 3½ years.

What is particularly disturbing is this whole pattern from this administration relating to drug abuse, substance abuse, and it started right after the President came into office when he first of all dismantled the drug czar's office and fired the bulk of the staff. Most of the reductions in the Executive Office of the White House, the downsizing, in fact, took place in the drug czar's office. Then the President ended drug testing for White House and executive staff members.

Then the President in fact appointed Joycelyn Elders our chief health officer for the Nation, and she adopted a policy of, instead of ''Just say no,'' her theme was ''Just say maybe.'' Maybe we should allow legalization. Maybe we should allow children to use drugs.

Then we saw the reversal of the policy in the Andean region, where we shared information with countries that were trying to stop drug trafficking. We denied radar and intelligence sharing through a distorted policy of this administration.

Then we saw the dismantling of interdiction for 2 years under the Democrat control of the House. We saw them take apart a program which had so many successes in the 1980's and early 1990's of stopping the flow of narcotics into this country.

Then we saw drug treatment as the major emphasis in the drug war. I heard my colleague from Indiana, Mr. SOUDER, say yesterday that drug treatment as the major emphasis in a drug war is like treating only the wounded in a conflict. We see the results of it even in the President's own strategy.

Adolescent drug use. If we look at this chart, in 1992 we see it going down. In 1992, when this administration took office, we see a dramatic, sharp increase. Every one of these chart figures streaming off the chart there in marijuana, LSD, inhalants, stimulants.

With marijuana, marijuana use increase has dramatically leaped forward in the past 3½ years. In fact, there has been a 50-percent increase in marijuana use among our adolescents for each of the last 3 years.

So we see really a lack of leadership, we see a lack of initiative, ideas, and we see packaged again the same policy. We are not even at the level of interdiction funding of the last year of the Bush administration.

I look forward to working with the new drug czar, General McCaffrey, and the Members of Congress to turn this around But this is another policy for disaster. In fact, we must start getting serious about narcotics control and we must take a new, positive direction, not the path so unsuccessful in the past.

IN MEMORY OF DONNIE MINTZ

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

Mr. FROST. Mr. Speaker, my friend Donnie Mintz was buried yesterday in New Orleans—the victim of a heart attack that took his life too soon at age 53.

Donnie led a remarkable life and will be missed by many.

Donnie and I met 38 years ago in 1958 when we were teenagers attending a leadership training institute of the National Federation of Temple Youth in Kresgeville, PA. Two southern boys at a camp of highly talented teenagers, mostly from the Northeast and Midwest, Donnie and I became lifelong friends.

Our lives intersected many times in the years that followed. Donnie was elected regional president of the Southern Federation of Temple Youth [SOFTY], and I was elected vice-president of the Texas-Oklahoma Federation of Temple Youth [TOFTY]. Later, Donnie was elected national president of the temple youth movement, and I was elected national treasurer.

Donnie attended Columbia University in New York where he became a Fulbright scholar and ultimately returned to Louisiana to earn a law degree from Tulane. While he attended Tulane, Donnie helped establish the annual direction speakers series and later was named to the Tulane Leadership Hall of Fame.

Though at different schools, we were members of the same college fraternity, Zeta Beta Tau, and served in the same Army Reserve program [JAG] but in different cities. During those years, we would see each other at Army Reserve summer camps.

We shared a love for politics and talked about it often. I always thought Donnie Mintz would be elected to public office long before I would be.

But Donnie's life took a different path. He built a successful law firm in New Orleans, was active in a variety of civic causes and served numerous Jewish organizations on both a local and national level. Donnie served as chairman of the Anti-Defamation League's national advisory board. He also was one of a few Jewish lay leaders chosen to meet with Saudi Arabia royalty when Israel's contacts with that country were minimal. He was granted a papal audience.

In addition, Donnie served as chairman of the Louisiana Health Care Authority, the Board of Commissioners

for the Port of New Orleans, the Downtown Development District and the United Way. He was also president of the Metropolitan Area Committee, Kingsley House, Touro Synagogue and the Jewish Federation of Greater New Orleans. Donnie also served on the board of directors for the New Orleans Symphony.

His passion was for the city of New Orleans. Though a decided underdog, he ran two very competitive campaigns for mayor falling just short each time. After his attempts for mayor, Donnie returned to his law practice and pursued strengthening black-Jewish relations.

He was extremely interested in the subject because as Tulane Law School Dean John Kramer said, ''he felt the bridges ought to be there. He felt the strong minority communities were the Jewish and the black communities, and the last thing that should happen was that they should be turned against each other. He never gave up.''

He and his wife Susan raised two talented children, Michelle and Arthur, and always had time for me and my family whenever we visited New Orleans. And when my career took me to the House of Representatives, he hosted receptions in his home, introducing me to his friends.

My most vivid memory of Donnie comes from that leadership institute in the summer of 1958. On one of the first days of the program, we took some time off to play softball. When Donnie came to the plate for the first time, he laid down a perfect bunt and raced to first base. As he reached the bag, he stumbled, landed hard and suffered a concussion. Near the end of the 2-week institute, we played softball again. Donnie now recovered from a serious injury, came back up to bat. On the first pitch, he laid down a bunt identical to the one on the play when he had been hurt, and beat the throw to first. Donnie was not intimidated by adversity. He never backed off from a challenge and he lived his life at full speed.

Donnie Mintz touched the lives of many people. His city, his State and his Nation are better because of him. He will be missed.

IN MEMORY OF DONALD MINTZ

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

Mr. LIVINGSTON. Mr. Speaker, my home city of New Orleans lost a great leader and a good man on Sunday when my friend Donald Mintz died in his sleep. Donald was a civic activist who worked unceasingly to improve living conditions in his city and a national Jewish lay leader who strove mightily to help those of different races and faiths understand and work better with each other.

In New Orleans, Donald had been chairman of the Dock Board, the Downtown Development District and the United Way, and president of the metropolitan Area Committee, Kingsley House, Touro Synagogue and the Jewish Federation of Greater New Orleans, and had served on the board of numerous other civic organizations as well—always with an energy, a flair, a seriousness and a wisdom which helped each organization reach unprecedented achievements. He loved New Orleans, and he sacrificed greatly to serve her.

All of us who knew him, and the all very, very many whose lives were bettered by his efforts, have been enriched by his life and are sorry for his passing.

□ 1745

THE QUINN FAMILY: ANOTHER TRAGEDY CAUSED BY ICWA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. PRYCE] is recognized for 5 minutes.

Ms. PRYCE. Mr. Speaker, last week I came to this floor to announce my hopes that some minor changes can be made to the Indian Child Welfare Act so that it will no longer have the chilling effect it does on adoptions in this Nation and so that it serves the interests of children first.

Last week I told of the heart wrenching story of the Rost family from my own district in Columbus, OH, and their still unresolved battle to adopt the twin girls they have had for almost 3 years now. The girls, unbeknownst to the Rosts, turned out to be 1/32 Pomo Indian due to blood from a great-great-great-grandparent. The twins and their adoptive parents still fear the day that the courts rule the twins be returned to a dysfunctional abusive environment due to a twisted, inaccurate, yet far too common application of the Indian Child Welfare Act.

Today I want to share with you another of the countless horror stories I have heard from all over our country. This case took place in the State of Washington, where the Quinn family spent 3½ years fighting for custody of their son, Loren.

This couple had worked with a 14-year-old biological mother for 7 months prior to the birth of a baby boy. They were even present to celebrate the birth mother's 15th birthday. The prospective parents attended the birth of the little boy at the invitation of the birth mother and and later took him into their home, honoring her wishes. There they loved and nurtured him.

Weeks later, they got the horrible message, the worst fear of all adoptive parents, that nightmare that becomes a reality, that the birth mother had changed her mind and wanted the child back.

Although she had voluntarily relinquished custody of her child, even chosen this couple, she attempted to reverse her decision under the Indian Child Welfare Act by retroactively enrolling with the Cherokee Nation.

It took 3½ years to finally reach a conclusion in the courts, 3½ years of horror, sleepless nights and worry of the unknown for this family who wanted nothing more than to provide a secure and happy home for the little boy they loved so much.

Mr. Speaker, night feedings, diapers, pediatricians, bottles and baths, birthday parties, first steps, bedtime stories, bedtime prayers, colic, car seats, first words and lullabies, on and on and on, these are the joys of a family. But for 3½ years the normal joy was somewhat subdued, because for 3½ years the future of this family was unknown.

He would have been removed from the only home and family he ever knew, and, Mr. Speaker, many courts have ruled this way. They misinterpret the intent of ICWA, take these children and send them to strange places. Now, we must ask ourselves, is this what is in the best interest of the children involved? Is this what ICWA was intended to do?

Mr. Speaker, not only the legislative history but common sense dictates that the answer is no. Very simple, minor reforms to the Indian Child Welfare Act would clarify these ambiguities. Membership in the tribe would be effective from the date of admission and could not be applied retroactively as in the case of the Rosts and the Quinns and countless others.

Mr. Speaker, ICWA was intended to stop State court abuses of native American children in involuntary placements. It was needed and well intended at the time. But it was not intended to interrupt voluntary adoption proceedings. As it is currently written, ICWA is a factor in every single adoption in this country because it is hard to say, and almost impossible to determine what child may or may not, through some remote part of its heritage, be some part Native American. And who can prepare for a law being applied retroactively, no matter how diligent and careful?

The simple and minor changes to ICWA will preserve the intent of the act, ensuring the culture and heritage of Native Americans, and at the same time protect the rights of birth parents, adoptive parents, and, above all, the children.

Mr. Speaker, I can almost guarantee that every Member in this body has at least one case of a judicial abuse of ICWA in their districts. I urge my colleagues to support these changes. Congress created these ambiguities, with all the best intentions, in 1978. It is time for Congress to correct them and stop the heartbreak.

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

[Mr. MARKEY addressed the House. His remarks will appear in the Extensions of Remarks.]

FIRST LADY'S FINGERPRINTS ON BILLING RECORDS

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

Mr. BURTON of Indiana. Mr. Speaker, Newsweek magazine reported this week that the FBI had discovered Mrs. Hillary Rodham Clinton's fingerprints on billing records from the Rose law firm discovered at the White House in January. These billing records have been under subpoena and could not be found for over 2 years. Nobody knew where they were. And yet, just recently, they were found in President Clinton and Mrs. Clinton's personal residence at the White House by Mrs. Clinton's secretary.

Independent counsel Kenneth Starr is investigating to determine if anyone obstructed justice by hiding the subpoenaed records. The billing records supply important information about Mrs. Clinton's work for Madison Guaranty Savings & Loan and the Castle Grande real estate projects. Arkansas Governor Jim Guy Tucker, who at the time this was taking place was the Lieutenant Governor under President Clinton, is on trial right now in Arkansas for fraud because he defaulted on loans over $1 million related to Castle Grande.

Now, Mrs. Clinton was the billing partner at the Rose Law Firm for the Madison Guaranty Savings & Loan account. However, she stated in a sworn statement to the Resolution Trust Corporation that she did very little work for Madison Guaranty and could not recall the Castle Grande project.

Yet, these mysterious billing records, that could not be found for over 2 years that were just found, tell a different story. They show that she had 14 meetings and conversations with Madison executives about Castle Grande and she drafted a comprehensive option agreement for this project.

Regarding the fingerprints, White House lawyers told reporters that Mrs. Clinton reviewed the billing records during the campaign in 1992. Now, this sounds strange, because if she reviewed them in 1992, she should have remembered that she had done extensive work on this project and on this comprehensive option agreement for the project.

Anyhow, they said that the fingerprints on the telephone records can remain intact on paper and other materials for years, so her fingerprints on the billing records do not necessarily mean that she saw the records recently.

Now, this is very interesting, Mr. Speaker, because when Vincent Foster died, you remember Vincent Foster, the assistant counsel to the President at the White House, when Vincent Foster died, a suicide note was found in his briefcase. At least that is what they called it. Despite the fact that it had been torn into 28 pieces, you have to tear it to get 28 pieces 14 of 15 times, there was not one single fingerprint on any one of those pieces. Investigators and various Clinton administration officials said at the time that it was not unusual, because fingerprints do not attach themselves easily to paper.

Now, here we have the President's wife, the First Lady, Hillary Rodham Clinton, her fingerprints are all over these telephone records that nobody could find for 2 years and were found in their residence, while they were under subpoena, incidentally, and they are saying that it is not unusual for the fingerprints to be attached to paper, and that she probably attached them to those documents in 1992 during the Presidential campaign.

Now, you cannot have it both ways. Either it can be attached to paper, you can get fingerprints on paper, or you cannot. Her fingerprints were on the documents, but the fingerprints were not on Vince Foster's alleged suicide note.

Adding to the mystery, the first two times that the White House counsel at the time, Bernie Nussbaum, search Vincent Foster's briefcase, he did not find any torn up note. The note was found 6 days later when another White House aide searched the briefcase for a third time.

Now, Mr. Speaker, it has to be one way or the other. If fingerprints attach themselves easily to paper and stay there for years, there is no explanation for why Vincent Foster's note had no fingerprints on them, especially since it had been torn into 28 pieces. And if fingerprints do not attach themselves easily to paper and if they wear off quickly, then Mrs. Clinton must have handled the billing records more recently than her aides are saying, which was 4 years ago, in 1992.

Mr. Speaker, this is something else that I hope we get to the bottom of. Those records were subpoenaed over 2 years ago. They should have been given to the independent counsel. They are not. They were found in the White House Presidential residence. They had the First Lady's fingerprints all over them.

There is something very mysterious about this. It should be explained fully to the American people. They were subpoenaed. They may have been an obstruction of justice, keeping those records from the independent counsel. If that is the case, somebody should be held accountable for it.

[From the Washington Post, Apr. 29, 1996]

FIRST LADY'S PRINTS ON DOCUMENT, MAGAZINE SAYS

(By Susan Schmidt)

Hillary Rodham Clinton's fingerprints have been identified on the legal billing records that were discovered in the White House In January, according to a published report.

The records, sought for more than two years by Whitewater special investigators and the subject of several subpoenas, consist of a 116-page computer printout detailing work Clinton and other lawyers at the Rose Law Firm did during the 1980s for the now-failed Madison Guaranty Savings & Loan.

The independent counsel's office asked for the fingerprint analysis in an attempt to determine where the records were, why it took so long to find them and whether there are grounds to bring obstruction of justice charges against anyone for failure to produce them.

Newsweek reported in the issue on newsstands today that Clinton's fingerprints are among those the FBI has found on the document. Deputy White House counsel Mark Fabiani said the administration has no independent knowledge of the fingerprint analysis. ''In January we said it was possible Mrs. Clinton handled these records during the 1992 campaign, so this report should not be surprising,'' he said. Clinton said she did not recall whether she looked at the document during the campaign.

Fingerprints can remain intact on some materials, including paper, for years.

The billing records show that most of Clinton's work for Madison was on the Castle Grande project. That real estate project led to indictments, including some of the charges in the ongoing criminal trial in Arkansas of Madison operators James B. and Susan McDougal. The Clintons and McDougals were joint owners of Whitewater, another land venture in the Ozarks. In the billing records, Castle Grande is referred to under the name ''IDC,'' the entity that sold the land to Madison.

During interviews with federal investigators in 1994 and 1995, Clinton was unable to recall most of the work that she did for Madison.

In particular, she said she was unable to recall doing any work on Madison's Castle Grande real estate venture. The Rose billing records were discovered this year by Carolyn Huber, a White House aide who handles personal correspondence for the Clintons, as she unpacked items that had been in the ''book room'' in the White House residence. How the document got to the book room remains a mystery.

David E. Kendall, the Clintons' attorney, and White House special counsel Jane Sherburne, called before the Senate Whitewater committee in January, testified that they realized the document—and the circumstances of its discovery after two years—would be of great interest to independent counsel Kenneth W. Starr and the committee.

Sherburne said she raised the issue of whether Starr would want to check the document for fingerprints and questioned whether they should turn it over to Starr before copying it.

After a discussion, she, Kendall and a lawyer for Huber decided to examine and copy the document and to notify Starr and the Senate committee the following day.

Republicans contended that Sherburne and Kendall had knowingly made it more difficult to obtain fingerprints from the records.

Yesterday, a White House official who refused to be named accused Starr's office of leaking the results of the fingerprint analysis, although the official said he didn't actually know the source of the information.

''It is not surprising that this outrageous leak should come at a time when independent counsel Starr is being criticized for allowing the erosion of public confidence in the fairness of his work because of his continuing partisan affiliations,'' said the official. Clinton aides have recently insisted that Starr's Republican credentials and outside legal work for clients with interests adverse to the government render him unfit to conduct an impartial probe.

[From Newsweek, May 6, 1996]

TELLTALE FINGERPRINTS?

As President Clinton prepared for his videotaped testimony in the trial of his

Whitewater partners James and Susan McDougal, independent counsel Kenneth Starr has received new evidence in his probe of the discovery of Rose Law Firm billing records in the White House last summer. Sources close to the inquiry told Newsweek's Michael Isikoff that FBI experts have identified Mrs. Clinton's fingerprints on the documents. The records, detailing her work for McDougal's Madison thrift, were subpoenaed in 1994 but not turned over until this January.

The documents include computer printouts and photocopied pages made during the '92 campaign. They were removed from the Rose firm in '92 by the late Vince Foster. Mrs. Clinton has said she had ''no idea'' the papers were in the White House. Her lawyer David Kendall later said ''it is possible'' Mrs. Clinton was shown the records in '92, but ''she does not recall.'' Kendall now says the fingerprint discovery is ''not surprising.'' At the least, the findings show Mrs. Clinton reviewed the records in '92, undercutting her claim she couldn't recall many of the mid-'80s meetings they cover. And, says one source, they could be ''critical'' in building a potential obstruction-of-justice case against her. Starr's office declined to comment on the FBI finding, but Newsweek has learned the prosecutor is intensifying his inquiry. In recent weeks, Mrs. Clinton's chief of staff, Maggie Williams, and close friend Susan Thomases have been recalled by a grand jury for further questioning about the records.

MEDICAL SAVINGS ACCOUNTS, THE EPITOME OF HEALTH CARE REFORM

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

Mr. LIPINSKI. Mr. Speaker, I rise tonight to say a few words about our health care system. The current debate over changing our system seems to have fallen victim to partisan political posturing. That is unfortunate.

Three years ago, along with a dozen of my Democratic colleagues, I cosponsored legislation to create medical savings accounts, most commonly known as MSA's. Today, I am still a Democrat, and I am still a supporter of MSA's.

MSA's are an idea whose goal is to re-introduce the consumers' best interests into the health care market place. Clearly, consumers' needs are not being met. For instance, when was the last time a mammogram sale was advertised?

We see advertisements concerning sales on eye check-ups, eyeglasses, and frames—we even receive mailings on teeth cleanings and annual dental exams. So what is the difference?

Typically, an individual's health care expenses are paid for by their insurance policy, so there is never a thought about finding premium care at low costs. Why? Because people are spending the insurance company's money, not their own.

But when it comes to spending money on eyeglasses or for a dentist—money that typically comes right out of one's own pocketbook—cost, service, and quality suddenly become important. In fact, due to cost effective shopping, spending for those industries was relatively flat during the years health care costs were soaring.

MSA's would encourage the same kind of consumer response for health care. By forcing doctors and hospitals to compete for patients who are concerned about quality and cost, health care spending will slow down. Ultimately, this competition will lead to sales on important services, such as mammograms.

Likewise, MSA's will provide a real incentive to shop around for the best values and alternatives when nonemergency treatment is needed. The incentive? Consumers will keep the money they save.

Critics of MSA's claim that this incentive will lead healthy people to choose MSA's, leaving sick people in a separate, and therefore, more expensive health insurance pool. But while many healthy people will choose to save money, the sick will also choose MSA's because their out-of-pocket costs will be less.

Moreover, during recent health care debates, a rallying cry on both sides of the aisle was choice. MSA's provide that choice for consumers, and that is exactly what MSA's are about.

And what is wrong with giving a break to people who take care of themselves, exercise regularly, watch what they eat and drink, and don't smoke? Don't they deserve something for their efforts?

We as a society are already subsidizing those who abuse drugs and alcohol and are severely overweight. According to one recent study, one out of every four welfare mothers uses illegal drugs or drinks excessively. In addition, it is documented that Medicaid recipients use prescription drugs 2.2 times as much, see their doctors 3.6 times more, and visit the hospital 4.5 times as often as those who have their own insurance.

So I ask again, what is wrong with giving people a break for taking care of themselves?

There are additional reasons that MSA's are good for the consumer. MSA's will reduce administrative overhead as small bills will be settled and paid directly between provider and consumer. They will also increase the record low savings rate of Americans. Lastly, since MSA's provide an incentive to stay healthy, preventive medicine will be encouraged.

These are the reasons I support the MSA concept when I first heard about it, and these are the reasons I support MSA's today.

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But there is an additional and very powerful reason why I still support MSAs. They are clearly successful where they are being offered, in spite of Congress' failure to act on the needed changes in the Tax Code.

So I say to my colleagues, as we prepare to reconcile the House and Senate health reform bills, include MSAs in any health insurance reform measure that will come out of Congress this year, because MSAs will cut costs, provide choice, promote healthy lives and save money for the consumers. Is that not what the epitome of reform is?

MILITARY PREPAREDNESS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I have here in my hands a Marine ammo pouch. This is the type of a pouch that the Marine Corps infantryman uses to put his M–16 rounds of 5.56 millimeter rounds in for combat operations. This empty Marine ammo pouch represents yet another symbol, really, of the Clinton Defense budget coming apart at the seams.

Pursuant to conversations and briefings that we had with the Marine Corps and other services, when I asked as the chairman of the Procurement Subcommittee on National Security if they had enough ammunition to fight two regional conflicts, which is what we want our Marines and our Army to be able to fight, the Marines said candidly, no, Congressman, we do not. And we said, well, how short are you of ammunition? And they sent over a list of the ammunition that they were short; included in it is $30 million in basic M–16 bullets. That is 96 million bullets that the Marine Corps infantrymen are short, should they have to fight two regional conflicts.

That means if we got into a fight in the Persian Gulf, like the one we had with Saddam Hussein, and then at the same time, we saw the North Koreans moving down the Korean Peninsula and we had to stop them with Marines, with soft bodies, those Marines would not have enough ammunition to do their job and protect themselves because this administration has come up millions of dollars short in ammunition.

Now, last week we had a hearing on safety, aviation safety, after the F–14s crashed. We had three F–14 crashes before the hearing, one right after the hearing. At the same time, we had three of the *Harrier* jump jets, those are vertical takeoff jets, that the Marines use. And the Marine aviation leaders told us that the Clinton administration does not intend to make the safety upgrades to 24 of those Marine *Harrier* jump jets. They further told us that those safety upgrades that they make the aircraft 40 percent safer for the pilot flying it.

Now, when you consider that about 30 percent of our *Harrier* jump jets have crashed, that is a pretty big safety margin and a penny-wise and pound-foolish move for the Clinton administration to make, to cut safety upgrade money out of the budget. But this is a result of these massive defense cuts that the Clinton administration is administering to the men and women who serve in the Armed Services.

Well, once again the cavalry is coming to the rescue and under the leadership of the gentleman from South Carolina, FLOYD SPENCE, the chairman of the Committee on National Security, we have put in today in the procurement markup enough money for every one of those 93 million bullets that the Marine Corps is short under the Clinton administration's budget.

We have also put into the budget today enough money to make every one of those 24 upgrades, safety upgrades, for the Harrier jump jets so our Marine pilots will be able to fly them in a condition which is 50 percent safer than the condition the Clinton administration would have them flying in.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, this is very, very disturbing, because we have been led to believe, I and all my colleagues, have been led to believe that our military preparedness is adequate for almost any eventuality.

We have been to Somalia, we are now in Bosnia, we have 20, 25, 30,000 troops over there, we have aircraft carriers over there, and the gentleman is saying that we are short on bullets as well as other areas of preparedness? That is very distressing.

Mr. HUNTER. I am telling my friend the story gets worse. We are $30 million short on basic bullets, that is M–16 ammo for the riflemen. Total, we are about $365 million short on ammunition, if we count the mortar rounds we are short, the howitzer rounds and all the other types of ammunition that go into a Marine amphibious force.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will continue to yield, the reason this is very distressing to me is President Carter had the same kind of policy that the gentleman is talking about during his administration, and when Ronald Reagan came in, we had seen 10 or 11 countries go Communist because, first of all, we did not have that determination to deal with them; and, second, we were not militarily prepared. And if we are not militarily prepared, we are going to have problems with some of these terrorist states: Iran, Iraq and some of these others, Libya, that are trying to get nuclear weaponry and delivery systems now.

So I think it needs to be made very clear to everybody that is paying attention, all of our colleagues, that without military preparedness we could have all kinds of problems like we had back in the early 1980's because we were not prepared.

I remember back then when I came to Congress we had people in training exercises that were using dummy shells in order to prepare. And that is something we cannot tolerate.

Mr. HUNTER. Mr. Speaker, the gentleman is absolutely correct, but the Republicans are coming to the rescue and we are going to have enough ammo for those Marines to be fully equipped in wartime, and a lot of other equipment.

THE WORKING POOR

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, between 1979 and 1992 the number of working poor in America increased by 44 percent.

Some may not care about that—I do.

I care that millions of our fellow citizens are holding down jobs, while sliding into poverty.

It's not fair. We can begin to correct some of that unfairness by increasing the minimum wage.

I also care about this Nation's small businesses—the backbone of our economy.

I would not promote a policy to help the working poor if it was shown that such a policy would substantially hurt small businesses.

Sometimes we are given false choices—employees with livable wages can be helpful to small businesses' profits.

According to the best evidence I have seen, a modest increase in the minimum wage will help the working poor, without hurting small businesses substantially or over a period of time.

Not long ago, the New York Times told the story of a town in my state of North Carolina and that town's experience the last time the minimum wage was raised.

Jacksonville is located in Eastern North Carolina, just outside of my congressional district.

The civilian population of Jacksonville is 80,000, but it is also home to 40,000 marines at Camp Lejeune.

When the marines went to the Persian gulf war in 1990 and 1991, the economy of Jacksonville suffered—small businesses were hurt.

But, according to the New York Times, when the minimum wage was last raised—for the first time in two decades—in 1991, the economy of Jacksonville did not suffer. Small businesses were not hurt.

In fact, following that increase in the minimum wage, unemployment in Onslow County, where Jacksonville is situated, declined.

In fact, unemployment declined by more than a half of a percent, following the first incremental increase, and by 1½ percent, following the second increase.

And, notably, employment in the County's restaurants grew from 3,180, the year before the first increase, to 3,778, the year after the second increase.

And, Mr. Speaker, the total number of restaurants in the County grew too during that same period of time, from 204 to 225.

The experience in Onslow County was apparently similar to the experience of other counties throughout North Carolina, following the 1991 minimum wage increase.

A recent survey of employment practices in North Carolina after the 1991 minimum wage increase, found that there was no significant drop in employment and no measurable increase in food prices.

The survey also found that workers' wages actually increased by more than the required change.

In another study, the State of New Jersey raised its minimum wage to $5.05 while Pennsylvania kept its minimum wage at $4.25.

The researchers found that the number of low wage workers in New Jersey actually increased with an increase in the wage, while those in Pennsylvania remained the same.

Mr. Speaker, sometimes we must commit our young people to war and, during those times we recognize that sacrifices must be made.

Small businesses in Onslow County sacrificed for the Persian Gulf war.

But, Mr. Speaker, we do not have to commit our young people or any of our citizens to poverty, especially when they are ready, willing and able to work.

An increase in the minimum wage may not keep us out of war, but it can keep working Americans out of poverty.

The President's proposal would increase the minimum wage 90 cents over 2 years—just as we did in 1991. In 1991, the increase enjoyed bipartisan support, with President George Bush signing the Bill.

Since 1991, the minimum wage has remained constant, while the cost of living has risen 11 percent. Greater than one-third—36 percent—of all minimum wage workers are the sole wage earner in a family. Fifty-eight percent of all poor children have parents who work full-time.

In my view, the best welfare reform is a job at a livable wage. Raising the minimum wage would make it easier for people to find an entry level job that pays better than a government subsidy, and creates a strong incentive to choose work over welfare.

That same New York Times article profiled a young woman waitress, who was saving to buy a new, $20,000 mobile home to replace the one she bought used for $2,500. It seems her goal is not threatened by a possible increase in the minimum wage.

Notwithstanding the possible minimum wage increase, the competition just introduced a new menu, with lower prices.

Let's pass H.R. 940, the minimum wage increase. It is the right thing to do. It is the fair thing to do. I care about small businesses, and it will not hurt small businesses.

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

[Mr. WELDON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. RIGGS 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 Oregon [Ms. FURSE] is recognized for 5 minutes.

[Ms. FURSE 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 Washington [Mr. METCALF] is recognized for 5 minutes.

[Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HEALTH CARE REFORM UNDER THE KENNEDY–KASSEBAUM BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I would like to talk about health care reform, and particularly the effort that has been put into legislation and has been passed now in both houses that was sponsored in the Senate by Senators KASSEBAUM and KENNEDY on a bipartisan basis and here in the House by the gentlewoman from New Jersey, Congresswoman ROUKEMA, who is a Republican, as well as a number of Democrats.

This reform was essentially put into motion, I believe earlier this year, when President Clinton, in his State of the Union Address, called upon both the House of Representatives and the Senate to pass the Kennedy-Kassebaum bill, as it has come to be called, in order to achieve incremental health care reform, particularly as it deals with what we call portability; that is the ability for someone to take their insurance with them if they change jobs or if they lose their job or become self-employed, and also with regard to preexisting conditions.

As many of my colleagues, I am sure, are aware, right now if one has a debilitating condition or some sort of health condition that would probably result in a greater amount of health care, many insurance companies in many States will simply not provide insurance to such an individual, even when they are willing to pay for it.

So President Clinton, who, as many of us know, was instrumental in trying to raise the attention of the American public and the Congress a few years ago to the need for health care reform and the need to provide more Americans with health insurance coverage, acknowledged in his State of the Union Address that although he had not been able to achieve a system of universal health care coverage, that did not mean that we should not try to move in an incremental way, in a small way, toward some health insurance reform.

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He called upon the Congress to pass the Kennedy-Kassebaum bill this session and indicated that he would sign it once it passed both the House and the Senate. If I could just say very briefly the Kennedy-Kassebaum bill essentially would make it easier for workers who lose or change jobs to buy health coverage, and it would limit the length of time that insurers could refuse to cover an applicant's preexisting medical problem. Hence, again, the main purpose of it is to increase portability for health insurance and to abolish the situation with those with preexisting conditions who would not be able to get health insurance.

Now, the Senate last week passed the Kennedy-Kassebaum health insurance reform bill unanimously, 100 to 0. Unfortunately, here in the House of Representatives, much earlier, a few weeks earlier, perhaps a month earlier, we passed a bill that included and added to the Kennedy-Kassebaum measure a number of controversial provisions that, I believe and I think are almost universally recognized, would doom the chances of this legislation becoming law.

Among the special interest provisions in the House bill are the so-called medical savings accounts, tax-free savings accounts from which participants could pay for everything but catastrophic health care costs. The problem with such accounts, although they may seem like a good idea on their surface, is that they would be a good deal only for the healthiest, wealthiest people in our health care system, those who do not have the high health care costs that they have to incur on a regular basis. But health insurance would increase for the average American because insurance companies would be left with only sicker and more costly enrollees in their health insurance plans.

Mr. Speaker, so basically what the medical savings accounts do is provide a tax break, if you will, for the healthiest and wealthiest among us. That means that by dividing the insurance pool so that the healthiest and wealthiest Americans are taken out of the insurance pool, which relies on having all types of people in it, would be divided. The sicker and the poorer people would remain, which would result in the insurance companies having to raise their premiums.

Most important, though, in terms of what I believe the Republican leadership here in the House was trying to accomplish by adding these provisions, the medical savings accounts, to the Kennedy-Kassebaum bill, was essentially that they were trying to pay off, if you will, or provide a financial windfall for the Golden Rule Insurance Company, whose top executive has given Republican political committees over $1 million in contributions in the last 4 years. Now, Democrats in the House offered a straightforward health insurance reform bill as a substitute for this more controversial bill with these added provisions.

The Democratic substitute would have prohibited many of the current unfair insurance practices which fail to protect individuals and families with significant health problems and make it difficult for small businesses to obtain quality coverage for their employees. The Democratic substitute would have made it easier for people who change or lose their jobs to maintain adequate health insurance coverage, just like the original Kennedy-Kassebaum bill. It also included a provision whereby the self-employed could deduct 80 percent of their health insurance costs.

Now, of course, when a bill passes the House and a different bill passes the Senate, they have to go to conference, and in the conference they come up with an agreement on what bill would finally come back to both House of Congress and be considered before it goes to the President. What we have to hope is that when this conference occurs that the conference committee will drop the controversial House provisions and send a bipartisan bill to the House or Senate floor for final approval that can pass.

Mr. Speaker, I wanted to go into, in the time that I have tonight, a little more detail about some of the differences between this House and the bill and why I believe very strongly that we must bring something very similar to the Senate bill, in other words the original Kennedy-Kassebaum bill, to the floor if we are ever going to see health insurance reform this year.

Let me comment a little bit on the politics, if you will, of the Republican leadership in the House basically would

profit because of the insurer, the Golden Rule Insurance Company that has ties with the Republican Party. Again, I do this not because I want to say terrible things about the Republican leadership but because I hope that by exposing what really is happening here, and that is to provide this big windfall to this particular insurance company, we will then allow that provision on the medical savings accounts to be dropped and will not come to the floor again and will essentially disappear. But let me talk to you a little bit about this Golden Rule Insurance Company that basically will profit from the medical savings account provision.

Now, this is a health insurance company, as I said, with close political and financial ties to Republican leaders, OK? The company, the Golden Rule Insurance Company, sells a special type of health insurance that would have to be purchased by people with these tax-free accounts, the medical savings accounts. Many of the Democrats of course have denounced this as bad health policy. Essentially what we are saying is that the Republicans are doing this to reward the Golden Rule Insurance Company. Its former chairman, J. Patrick Rooney, basically his father founded the company. His family still controls it.

If I could just make some comments about or take some quotations from a New York Times article Sunday, April 14 of this year that talked about the Golden Rule Insurance Company. I will specifically make reference to one of my colleagues, Representative CYNTHIA MCKINNEY, a Democrat of Georgia, who asked on the House floor when this bill came up why medical savings accounts were included. She said: You just follow the money.

The Golden Rule Insurance Co. has given more than $1.4 million to the GOP, and, coincidentally, Golden Rule just happens to be the premier company peddling medical savings accounts. Common Cause, the public affairs lobby, said that Mr. Rooney and John M. Whalen, the Golden Rule's president, had given more than $117,000 to GOPAC, the political action committee that helped Mr. GINGRICH take control of the House. And Golden Rule, interestingly enough, has resisted efforts by several States to require the sale of health insurance to all applicants and to limit premium variations.

Although we are trying to accomplish certain goals with health insurance reform here in the House on the Federal level, the bottom line is and in many States, including my own State of New Jersey, there have been efforts to try to eliminate preexisting conditions as a means for health insurance and also to encourage portability. But Golden Rule has resisted efforts by several States to require the sale of health insurance to all applicants. In fact, when New Hampshire was considering such legislation in 1993, State Senator Jean Shaheen, a Democrat, issued a news release saying that Golden Rule represents everything that is wrong with health care in America. She asserted that the company had resorted to lies and half-truths, telling policymakers their premiums would soar.

In Kentucky, another State that was considering this legislation, State Representative Ernest Scorzone, a Democrat, said the Golden Rule had run a campaign of disinformation, misinformation, and outright deception.

Mr. Speaker, what we are trying to point out is that Golden Rule, not only on a Federal level but also on a State level, has not been helpful in terms of the whole issue of health care reform, particularly as it pertains to the issues of portability and trying to abolish preexisting conditions, which are the hallmark, if you will, of the Kennedy-Kassebaum bill.

Now, one of the main reasons why I and others are concerned about these extra provisions that have been added to the House version of this health care reform is because we are totally convinced that these additions will imperil any possibility of getting health care reform or health insurance reform passed this year.

I think my colleagues understand that, in order to get something passed through the House and the Senate and finally passed by the Senate, signed by the President, you have to have a consensus. You have to have agreement. If you have some basic provisions, like we are trying to make it easier for people to transfer their insurance between jobs, or that we do not want preexisting conditions to be a basis for whether or not you get coverage, it is fairly easy to get a consensus on those provisions in the Kennedy-Kassebaum bill. But if you start loading this legislation up with the medical savings accounts, with malpractice reforms, with myriad other things, many of which have been included in the House version, then you will never get the health reform insurance passed in time.

Mr. Speaker, we only have another probably 6 months before the election and the new Congress. This is one thing that we can get passed on a bipartisan basis, and we should try to do so. Senator KASSEBAUM, a Republican from Kansas, has repeatedly warned that, if House Republicans are successful in getting MSA's, the medical savings accounts, approved in the final conference report, the result could devastate health insurance. She said, and I quote: ''I would hate to see them included by design to a certain extent to take down the legislation.''

Again, we know that, if these controversial provisions are added, that there is a real possibility we will not have health care reform passed in this Congress. Let me also point out that it was not just the medical savings accounts that were added in the House. There were other provisions as well. In the New York Times, an editorial just in the last week on April 23, 1996, said that there were three unfortunate provisions, that the conference committee should strike three provisions in the House version, that the conference committee should not include if this bill is eventually to become law.

First, they mentioned it imposes arbitrary caps on financial rewards for malpractice suits, thereby protecting doctors from patients who have been needlessly disfigured or worse. Whether or not you agree with malpractice reform, it should not be in this bill because it makes it more difficult for this bill to pass. Second, it would provide a tax break for medical savings accounts, and again the New York Times is critical of the medical savings accounts because they say that it will basically give tax breaks to the wealthy and healthy, divide the insurance pool and increase premiums for everyone else.

The third flaw they mentioned in the House then is a provision to encourage small employers to band together into purchasing cooperatives that would be allowed to steer clear of chronically ill applicants. The Senate bill on the other hand encourages small employers to form purchasing cooperatives but under rules that would prohibit discrimination. What the New York Times said is the conference committee should essentially adopt the Senate bill, and that would accomplish a lot because it would make it possible to get this bill finally passed.

Now, lest my colleagues think that we do not have anything to worry about and that in fact the conference committee, when it meets, is going to report out a clean bill, like the Senate version without the medical saving accounts and these other riders that would make it more difficult to pass, let me assure you that there are a number of forces out there that are working very hard to get the medical savings accounts, these tax breaks, if you will, for the healthy and the wealthy, included.

First of all, in today's Wall Street Journal there was an editorial that strongly urged Presidential candidate DOLE to move ahead and insist that the conference include medical savings accounts. He, the Republican Presidential candidate, has sworn that he will back MSA's, the medical savings accounts, in the health bill. In fact, it has been very difficult for the other body to actually appoint conferees to this conference committee because the Republican Presidential candidate is in fact trying to assure that proponents of medical savings accounts are included in larger numbers in the conference committee.

So clearly, clearly there is an effort not only in the media or certain media but also amongst the Republican Presidential candidate and his supporters to try to get these medical savings accounts, these tax breaks, as I said, for the healthy and the wealthy included in the Kennedy-Kassebaum bill which would ultimately make it impossible to pass any health care reform.

Mr. Speaker, I just wanted to point out, if I could, in some of the time that

I have remaining, that for those who say, well, this is only a small reform, this does not address the larger issue of affordability for health insurance or the fact that so many millions of Americans now have no health insurance, well, that is true. And I would be the first to recognize the fact that we continue to have a problem with fewer and fewer people able to afford health insurance, and as a consequence more and more people do not have any health insurance. In fact, the Democratic Party, my colleagues on the Democratic side in the House, formed a health care task force, which I happen to be one of the cochairmen of last year. We put forward a set of Democratic principles on health care reform. Our two major principles are that we want to achieve more affordable health insurance and we want to expand the number of people in this country that have health insurance.

I would maintain that the Kennedy-Kassebaum bill in its pure form or in the form that passed the Senate does help in an incremental way to provide more Americans with health insurance, maybe 20, 25 million Americans who will be positively impacted by it. So, while we see the numbers of people who are uninsured continue to go up, we know that this bill, although modest, would help in the effort to try to cover more Americans and provide more Americans with health insurance.

Mr. Speaker, we also know that, if it is passed in its clean form and the way the Senate passed it without the medical savings accounts, that it certainly would not make health insurance less affordable. If in fact you include the medical savings accounts, in fact, that is what would happen. Health insurance would become less affordable for the average American.

□ 2030

Just in case, again just to give you an idea about the magnitude of the problem that we face in trying to achieve more coverage for Americans, just in my own home State of New Jersey within the last 2 weeks a new report came out, 124-page Healthy New Jersey 2000 report, that actually was released last month, and if I could just summarize some of the information that shows that the percentage of uninsured New Jersey workers, and I am talking about working Americans, working new Jerseyans, actually doubled in the last 4 years. This latest report statistically shows that 14.6 percent of New Jersey's full-time employed workers had no health insurance coverage in 1993, twice the percentage that was uninsured in 1989. About 15.5 percent of the overall population under the age of 65 was without insurance in 1993, working or not, up from 11.7 percent in 1989. That is about 1.1 million New Jerseyans. Now, you take that across the country. You will probably find about 40 million Americans now who do not have health insurance coverage, and the number continues to grow.

The statistics are even more significant when you look at minorities. The rate of insurance coverage is worse for blacks, among whom one in five is without coverage, insurance, and for Hispanics, among whom one in three is uninsured. And these figures take into account the fact that Medicaid covers the poorest families and the disabled, so we are primarily talking about working Americans because if you are below a certain income, you are eligible for Medicaid. But many people are not, and of course those are primarily working people.

I only mentioned that because again I feel very strongly that even though in the Kennedy-Kassebaum bill we are talking about a modest effort to try to increase the availability of health insurance to Americans, I think even that modest effort needs to be moved forward, and it is very wrong for the Republican leadership here in the House of Representatives to stop that reform from moving forward just because they want to include these medical savings accounts for special interests that support them. And even if they honestly believe that that is the way to go, they should drop the effort because it is going to make it virtually impossible for us to get this health insurance reform passed in this session of Congress.

In conclusion, Mr. Speaker and my colleagues, if I could just say as this health insurance reform, as the Kennedy-Kassebaum bill, goes to conference, the Republicans need to drop these controversial provisions and stop dragging their feet so we can get a bill passed this year, this Congress. I urge the House Republican leadership to follow the Senate lead and strike the special-interest tax-free accounts for the healthy and the wealthy.

The Republican leadership needs to quit stalling and pass bipartisan health insurance now so it can go to the President's desk and he can sign it, and we can all declare victory for the average American and help those people who find it more and more difficult to buy health insurance.

SUPPORT H.R. 2270

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from Arizona [Mr. SHADEGG] is recognized for 5 minutes.

Mr. SHADEGG. Mr. Speaker, I rise tonight to address an issue of what I believe is of grave concern for this Nation, and that is an issue dealing with the fundamental law of the land.

I hold here the Constitution of the United States, and all of us as individuals learned about this document and studied it in grade school and high school civics. Some of us might have even gone back since then and read a provision or two. I want to focus on the importance of this document and on the importance of an issue that I think has become abused.

Mr. Speaker, this document sets forth the vision of our Founding Fathers for a powerful central Government, but with limited and specifically enumerated powers. Now, why did they spell out that? Why did they say that it should have certain powers and that they should be significant powers, but that they should be limited and specifically enumerated?

Well, if you reflect on your history, you will realize that the Founding Fathers of this Nation had themselves recently escaped an oppressive central Government, a central Government which took the form of a king, a king who could at will order whatever he wanted and command or demand what he chose. The Founding Fathers, fearing that we might return to that system, felt we should spell out in a single document which would bind the Nation forever those powers granted to the Federal Government and that they should be adequate and complete for that Government to do its jobs.

But they recognized that there were many States which would make up this Union and that those States would play a fundamental role, and they addressed and they considered the division of power between the Federal Government on the one hand and the States on the other, and to address that concern they spelled out in an amendment, which I want to call to the attention of my colleagues here in the House, the 10th amendment, which reads, and I think it is important for us to understand what it reads and to think through its meaning, the 10th amendment to the U.S. Constitution addresses this issue of what level of Government should exercise which powers. And it says specifically:

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

Now, Mr. Speaker, many of those in my freshmen class were elected on a platform that has to do with that, the 10th amendment to the U.S. Constitution. We have watched through our lifetimes, and I have watched through my lifetime, as the Federal Government located here in Washington, DC, thousands and thousands of miles from my constituents at home in Arizona, has sought to bring to itself more and more and more and more power, and in doing that what it has done at the same time is to reduce by ever-growing amounts the power and the authority of all the good men and women who serve in State legislatures around this Nation, all the good men and women who serve on county boards of supervisors or city councils. Indeed as the Congress has arrogated unto itself all this power, it has left less and less power for individual citizens of this country.

Now, why should that be of concern? It really is kind of simple, and that is what this boils down to: The truth is my constituents back in Phoenix, AZ,

have a better chance of affecting a decision if they can go down to their city council or down to the board of supervisors or even down to the legislature and raise an issue, than if in order to affect that issue they have to come all the way here to Washington, DC, thousands of miles from my home.

I believe it is critical for this Congress to recognize that in ignoring the 10th amendment over the past several decades and in arrogating more and more power to ourselves in Congress, quite frankly so that politicians here can buy themselves back into office, what we have done is we have taken power away from the citizens. It is time to end that.

Now, how do we end that? I want to talk to my colleagues tonight about one simple idea, and that is the notion as set forth in a bill which I have introduced to this Congress, which would, I believe, restore meaning to the 10th amendment of the U.S. Constitution. I hold a copy of it here. It is H.R. 2270. It is for Federal legislation quite unique in that it is less than 3 pages long. It is a simple bill which simply says that before any one of our colleagues, before any one of us here on the floor, could introduce a new bill calling for the Federal Government to take on some new project or some new legislation, you would have to spell out the powers granted to it to do that under the U.S. Constitution. I urge my colleagues to join me in supporting this and to set the terms so that we could not debate on this floor legislation in areas that the Constitution did not grant us the authority.

It is a simple idea; it is H.R. 2270. It says, out of respect for the 10th amendment, before we introduce a bill, we must spell out the constitutional authority that gives us, the Congress, the power to legislate in that area. It is a critical first step.

THE MYTH OF THE MAGICAL BUREAUCRAT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, before we start with our prepared remarks this evening, I would like to assure the gentleman from Arizona that as we move forward and as we get to another week of active reform in this Congress probably around the middle of July, we expect that that piece of legislation will have worked its way through the committee process and will be one of the items that this full House will have the opportunity to talk about.

Mr. SHADEGG. If the gentleman would yield briefly? I simply want to thank the gentleman for his assistance in moving this piece of legislation forward, thank him for cosponsoring the bill, and tell him that I spoke today with the gentleman from Florida [Mr. CANADY], the chairman of the Constitution Subcommittee of the Committee on the Judiciary. He has indicated to me just what you have indicated; that is, that we are hopeful that we will get hearings on this legislation in the near future and that it can move forward. I appreciate the gentleman's effort on its behalf. I appreciate your support, and I think it is a step in the right direction.

Mr. HOEKSTRA. And the issue that we are going to be talking about tonight builds very much off of the problem that you describe. We are going to be talking about the myth of the magical bureaucrat, the myth of moving all of this power and responsibility from parents, from local levels of government to State governments, that the best place to make these types of decisions is in Washington. And we are going to be going through a number of examples this evening which we hope expose that myth for what it really is. It is for a bunch of people in Washington making decisions, spending money in areas where they really cannot have a significant, positive impact or most importantly, where they are not the most effective agent for bringing about the types of results that we want.

Mr. SHADEGG. If the gentleman would yield again, let me just simply say I commend you for this effort, and I want to pass on something. One of the greatest influences in my life, as I suppose in, hopefully, many American boys' lives, is their own father. My father was a tremendous influence on me, and he was very fond in the later years of his life of saying that the problem with the Congress was that it had come to believe that it knew how better to run every American business and every American's life than those individuals themselves. And that is the kind of notion that I think your effort is going at.

The simple truth is that the 535 Members of this Congress, House and Senate combined, no matter how well-intended, and the huge army of bureaucrats that we control, and there are thousands, tens of thousands of bureaucrats that we control, simply cannot know better how to run the day-to-day lives of every American and the day-to-day businesses of every American business or of every American church or synagogue. We simply cannot run those organizations better than they, and the myth of the mystical bureaucrat that can do it better than we can is indeed dead wrong.

Mr. HOEKSTRA. As we move forward this evening, we are going to talk about this myth as it applies to education, as it talks about creating jobs, as we talk about Medicare, as we talk about environmental types of legislation, so that is one of the key areas.

We could not have had a better introduction to our topic tonight than the legislation that the gentleman talked about, and I again would like to just reaffirm that I expect that this House will take positive action on legislation like that this summer so that this Congress can again begin focusing on the issues that Washington should be dealing with, that Washington is good at, in moving the other types of decisions, the other types of responsibility and the dollars back to State, local, and maybe even back to the taxpayers, parents and individuals who really are the driving force behind so much of what goes on in this country.

Mr. SHADEGG. I commend you for your efforts and wish you the best.

Mr. HOEKSTRA. Thank you.

Let me just give a little bit of a brief introduction about what we want to accomplish this evening.

This is an election year. We are in the middle of a lot of rhetoric flying around. Those of us in Congress who want to focus on the real problems are finding it very difficult to break through what we call the clutter, the clutter and the noise. As Members of the Republican majority, we have grown accustomed to being called mean-spirited, radical. We are accused of being against women, children, and the elderly. We are accused of not caring for the poor or for the environment.

In the middle of all this rhetoric, what is really going on? Many of my constituents, many of the American people, seem to be very confused. We want to take this hour to really set the record straight on what we are trying to do in this Congress. We want to focus on what we believe is the core issue that is defining this battle in Washington, that has defined the battle, really, from January 1995 to the present point.

□ 2045

Many have thrown around labels. Some have called us extremists. But let us cast aside the labels for a little while. Let us cast aside the accusations and other typical Washington political jargon, and let us get down to the bottom of the debate. What are we really trying to do here? What is the core of the debate?

We can go back to the 1930's, the New Deal. Ever since the 1930's Congress has placed more and more of its faith in Washington, its bureaucracy, its bureaucrats, and in its money, in its programs, and in its services. As we have done that, we have moved much of the decisionmaking away from parents, individuals, entrepreneurs, small businesses. What we have done is we have created a myth that too many people have come to believe, the belief in the Washington bureaucrat: A belief in Washington money, a belief in Washington programs, and that Washington services can solve many, if not all, of this Nation's problems. This is really what all the fuss is about.

Since becoming the majority in Congress, Republicans have been attacking the myth that Washington can solve everyone's problems. We know that few Americans believe in Santa Clause. Even fewer believe in the tooth fairy. But here in Washington, everyone

seems to believe in the magical bureaucrat: this magical persons who can solve everyone's problems.

It is as though we believe that bureaucrats are magicians and that by spending tax money, taxpayers' money, your money on programs and services, what can they do? they can raise and educate children better than parents. They can build communities. They build communities and homes better than parents or better than Habitat For Humanity; that they are better at creating effective, income-generating jobs; that they are better than entrepreneurs and small businesses.

It is time for us to confront this bureaucratic myth. Blind faith in the Washington bureaucracy is hurting America. It is hurting America, in I believe four specific ways.

First, the myth that Washington can solve everyone's problems has created a belief that success is defined by spending money, success is defined by spending money and creating programs, not by the results that those programs or those dollars generate.

Second, the myth that Washington can solve everyone's problems has created the substitution effect, where people have a disincentive to take personal responsibility for their future and for themselves, where they have a disincentive to take care of their children and to participate in their community, because someone from Washington is supposed to do that; in other words, because a Washington magical bureaucrat is going to solve the problem, I do not have to exercise personal responsibility to solve it myself.

The third is the myth that Washington can solve everyone's problems has caused Congress to legislate to the lowest common denominator, creating one-size-fits-all programs which lower the standards. The minimum wage fight, I think, is an excellent example. Here we are debating a minimum wage, the lowest common denominator, instead of talking about increasing wages for everyone, which is the highest common denominator. Instead of focusing on the ideal, we are willing to lower the standard for everyone.

Finally, the myth that Washington can solve everyone's problems has cost the American taxpayers trillions and trillions of dollars. If it were inexpensive to believe that magical bureaucrats actually exist, we could keep spending money on the myth, but it is costing us. It is costing us, the taxpayers and working American families, big bucks, too many bucks to continue down this path. The myth that Washington can solve everyone's problems produces harmful thinking, it costs too much, it is hurting America in many different ways, and it is not working.

It is not a budgetary problem, it is a cultural problem: Magical bureaucrats substituting for parents, magical bureaucrats shoving everyone into one-size-fits-all programs, magical bureaucrats defining success by the dollars they spend, instead of the results they achieve, magical bureaucrats doing all this with trillions and trillions of dollars that working Americans pay every year in taxes. We will never restore fiscal and moral sanity to our Nation until we destroy this blind faith in Washington to solve our problems.

Why is it so hard to balance the budget? Because Washington believes the myth, Washington perpetuates the myth, and Washington works every day trying to convince American people that the myth is real. Why is it so hard to reform Medicare? Because Washington believes the myth and sells the myth. Why is it so hard to improve environmental laws? Because Washington believes the myth and perpetuates the myth.

Why is it so hard to eliminate the Department of Education? Because Washington believes the myth and sells the myth each and every day that magical bureaucrats sitting at desks in Washington educate kids better than parents and better than teachers, and have more caring for local students than parents and local school boards.

Why is it so hard to eliminate the Department of Housing? Because Washington believes the myth that magical bureaucrats sitting at desks in Washington build communities more effectively than local citizens or than organizations like Habitat for Humanity. We cannot continue down this path.

With this introduction, Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. NEUMAN].

Mr. NEUMANN. Mr. Speaker, what comes to mind today is one of these mythical bureaucrats the gentleman is talking about. I was in a committee meeting with them discussing housing, this very issue. I saw in this meeting the almost fear that somehow, if Washington allowed the people in Beloit, WI, or Kenosha, WI, to decide how to handle the housing problems in their own community, if we gave them the flexibility to make decisions how to best serve the needs in their own community, that somehow things were going to go astray; but they are not going to go astray, because I have a lot of faith in Tom Kelly in Beloit, WI, and the people running the housing programs out there. They best know how to take care of the people in Beloit, much better than the people do here in Washington, DC.

I think this whole thing comes down to how can we best turn that responsibility over to the people locally to best allocate those dollars to do the best job for their people in their own community. That is really what this should be all about.

This is America. This is not supposed to be a country where somehow the people here from Washington are controlling all the lives of the people out there. This is supposed to be America, where people are taking responsibility for themselves, and the local school boards and the local towns are deciding how to best spend that money, or how to let the taxpayers keep their own money better. That really is what this is all about.

Mr. HOEKSTRA. Mr. Speaker, I yield to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. I appreciate the gentleman from Michigan yielding to me, Mr. Speaker. I appreciate very much the gentleman also taking us to the root of the problem we are talking about today. That is the concept and the idea that we are going to create governmental solutions, and from a centralized planning authority in Washington, actually solve problems.

I want to talk about one particular example in this area that we are talking about, a magical bureaucracy being able to solve an issue. This is the agency of HUD, Housing and Urban Development.

Mr. Speaker, I would like to start this off by saying that no one here questions the good intentions of the people who work in these agencies, of the employees at HUD, or the people even that design these programs. These are good people with good intentions, but the problem is we want to talk about reality and what has been the actual reality of what has happened after all these good intentions and all this investment of resources and all these people pouring in from a centralized solution.

We are talking about a centralized bureaucratic organization in the form of HUD, Housing and Urban Development as an agency, trying centralized solutions from Washington for a Nation that covers 260 million people across five time zones that has the largest economy, that is the international leader of the world. We are going to plan all this in one central entity. That is the fallacy of what we are talking about.

The Department of Housing and Urban Development began with great fanfare in 1965. It was on the front lines of Lyndon Johnson's war on poverty. It was charged with these things: Renewing our cities, encouraging job creation, providing decent, safe shelter for low-income Americans. That was the charge in 1965. You can say, did we adequately fund HUD, this centralized planning model of what we were going to do?

Since then, in 1965, HUD and other bureaucracies have spent more than $5.5 trillion on poverty programs, $5.5 trillion. That is basically about the size of our national debt today. It would be virtually about $19,000 for every man, woman, and child in America. Yet, by virtually any standard, any measure, poverty, crime, drug abuse, and violence are far worse today than when HUD was created in 1965, and since we spent the $5.5 trillion. This is what the good gentleman from Michigan is pointing out about the fallacy of saying that, OK, if we are going to solve a problem, let us create a bureaucracy with good people in it to design a program that is going to fit the entire Nation in a one-size-fits-all, and

then let us fund it, and if it is not working, the answer is for us to put more money into it.

Mr. Speaker, I just beg to differ on that. The centralized command and control type of model failed in the former Soviet Union, has failed in command and control areas, and it is failing in America today. Past and current attempts to fix HUD have met with a great deal of resistance and past failure. Created in 1965, the entity has already gone through four major reorganizations of where we are going to reinvent HUD, four major reorganizations since 1965. All have failed.

Jack Kemp's efforts to reform HUD by giving power to tenants were stifled by a reluctant Congress at that point in time and an inflexible system. Yet the problem underlying HUD's national housing policy is the myth upon which it is created: The notion that Washington can address the housing needs for all Americans through a centralized system here where we set here how it is going to be in Connecticut, in Kansas, in California; this is how it is going to be. It just does not work.

There has been a surge of more than 200 separate Washington-based housing programs that have tended to displace rather than encourage local innovation and creativity. I want to add as a side note here as well, there have been a number of these that are trying to engage now more local creativity and innovation. I think those are on a positive note, as they try to localize and get local solutions brought forward.

We have had a lot of rules and regulations coming out of HUD as well that have stifled local creativity and innovative solutions to housing needs. It has caused former HUD Secretary Jack Kemp to recently conclude that HUD is an agency with a disparate and contradictory mission. ''The more I was at HUD, the more I realized that the flaws were endemic to the bureaucracy.''

He went on to say at a press conference we had, where Secretary Kemp was calling for the elimination of HUD and us giving these decisions back to local tenants, that there are good people that work at HUD. It is a failed design of the system. It is a failure for us to think that we can manage, and that a mythical Washington bureaucracy will solve the problem, because it will not. It tends to get more of a centralized focus.

Our model for housing opportunities is local empowerment. It is rooted in the premise that housing policy should bypass governmental bureaucrats and central planners and provide direct assistance to tenants themselves. In other words, we would seek to give vouchers to tenants that we want to help and ask them to go find their own housing abilities, whether it be with public housing, whether they purchase a housing unit, or whether it be in private renting. Housing is a local issue. Washington cannot solve local housing needs. Indeed, the more we focus on Washington, the more we take away from local housing innovative solutions that we could come forward with.

Just recently the HUD bureaucracy has announced the planned construction of a new project in Washington, DC that has an estimated cost of $186,500 per unit, $186,500 per unit. This represents, I think, an enormous waste of taxpayer money, not to mention those poor families who will lose out because of the finite resources that will be spent on this project. Instead, HUD could have provided housing vouchers to individuals, they could have provided them to 35 families for 1 year for the initial cost of building one new unit in this housing project.

The Congressional Budget Office estimates that HUD has obligated the Federal Government to spend, and get this number, $180 billion over the next 30 years to pay for the public and private housing commitments, most of which were made more than 10 years ago.

This experiment in central planning is already being passed on to our children. Besides, HUD's attempts to fix our Nation's housing problems, this bureaucracy applies Washington's answers to igniting economic growth in our urban communities.

□ 2100

A number of us believe that the key to economic growth in our urban communities and other places is to cut the burden of Washington. Let us cut that taxation, litigation, regulation and manipulation out of Washington so that we can have those localized solutions spring up and people go forward.

As Jesse Jackson once said, capitalism without capital is just another ism. We need to remove the barriers to self-creating capital. Block grants will not do this. People do it. People do these things. The Republican Congress has already passed reforms to try to be able to cut back on taxation, regulation, litigation and manipulation so people and localized solutions can flourish.

On a worse note, the HUD bureaucracy has become in some cases a catalyst of racial and economic segregation. That is according to a doctor who has worked at HUD, and an April 1996 desegregation suit brought against HUD, Thompson versus HUD, et al. by the American Civil Liberties Union of Maryland on behalf of several Baltimore public housing tenants who alleged that HUD illegally segregated black public housing tenants for 6 decades. This resulted in a settlement which caused HUD to break up several of the dilapidated Baltimore projects.

As one can see, there are direct social and economic costs to this mythical bureaucracy. The American people realize that compassion is not measured in how many billions we spend on bureaucratic solutions when this is done and people are hurt by it. This is one of the most uncompassionate solutions of all.

Fortunately, there is a better way. You have brought that to our attention. Our society benefits when people realize their own freedoms and creativity and our Government does not try to replace them. That is why I think this is a good discussion about a mythical bureaucracy does not solve things. Many times it can actually hurt or concentrate problems.

It is people. It is individual solutions. We have those solutions we are offering to the American people.

Mr. HOEKSTRA. I would just ask the gentleman to go back to his first statements where in 1965 we started creating this myth of HUD. And what were the parameters and the directives that the President in 1965 laid out? What was the myth that was created or started to be created in 1965. That continued to be driven even into 1996 as we try to change some of these programs?

Mr. BROWNBACK. The myth that was created, I want to read these off, it was on the front line of Lyndon Johnson's War on Poverty, charged with renewing our cities, encouraging job creation, providing decent, safe shelter for low-income Americans. We followed up spending-wise, spending nearly $5.5 trillion since then on HUD and other low-income programs.

Mr. HOEKSTRA. I think we should just also say that if we go into Washington, DC, we go to the public housing projects, to get to the public housing projects that are inhabited today we go by 3 and 4 empty buildings. We go into Chicago, we go by almost a mile of empty public housing. We did not do any of those things very well.

I am sure my colleague from Wisconsin would like to say something about this. He is a builder in his real life; when he has a real job, he is in the construction industry. But my guess is, I just did some rough numbers at $55,000 for a down payment for a smaller home, I recognize over these 30 years we could have built 100 million homes. Given a nicer home, we could have built, at $110,000 a house, we could have still built 50 million homes over the last 30 years. It is amazing, $19,000 for each and every American is how much we have spent on this program for the last 30 years with these kind of results.

I yield to the gentleman from Wisconsin.

Mr. NEUMANN. I will just point out with 250 million people in the United States of America, that is literally one home for every 5 people with the money we have spent.

The other thing I could not help but think, as the gentleman from Kansas was going through some of these numbers, contrasting what you are talking about to a program like Habitat for Humanity. Back when I was in the building business when, before I got into the political world in any way, shape or form, I had a group of people from Janesville, WI come to me and say, ''Hey, MARK, you're building a lot of homes. Would you consider giving us a hand in this Habitat for Humanity project?''

Rather than the Government coming in to do this, we got together in the

community and built the house. When the person moved into that house, it was a truly needy person that received this help. Can you imagine Habitat for Humanity, with the local support and local effort that they get from the local people, spending anywhere near this kind of money, and what they could have done with one-tenth of this amount of money if the control had just been left out there locally and we had had involvement with the local people to help the most needy people in their community? Can you imagine what we could have done in this country instead?

Mr. BROWNBACK. I think we would have renewed our cities, encouraged job creation, and provided decent, safe shelter for low-income Americans.

Mr. HOEKSTRA. I think if we take a look at Habitat for Humanity, it is active in Michigan. They take a caring attitude in reaching out and finding the people to move into these houses. These people are part of the process. They maintain their dignity. They put in sweat equity. They work hard. They put them on finance plans to enable them to buy these homes. They put them in the middle of the community so they are not segregated into little areas or pockets of the community.

Mr. NEUMANN. It is not only the person that is working on the home that winds up moving into the home, it is the community leaders and the community involvement that makes this process successful. I still ride by that first house that we built in Janesville, WI every now and then. It is still there, it is well cared for. Everything is right about it. It is not only the person that moves into the house, it is the involvement of the community in solving the problem. They own the solution to this problem and they are going to make it real.

Mr. HOEKSTRA. I would like to thank the gentleman from Kansas. You have got us off to a good start in talking about exposing this myth.

I now want to turn our attention to another myth. We have talked about the one that Washington creates communities, Washington creates homes, and we have found out that after $5.5 trillion that is not the reality. I would now like to address another myth, that Washington bureaucrats create jobs, that they are better than entrepreneurs, they are better than small business at creating jobs. To do that, I would like to go back to my colleague from Wisconsin [Mr. NEUMANN] who has created real jobs working in the private sector as a small businessman in Wisconsin.

Mr. NEUMANN. I appreciate the gentleman yielding. This is an area that I very much like to talk about because we need the American people to understand that the American dream is not dead.

When my wife Sue and I started, we literally were in a position where we could not afford to pay our bills, and we took a chance on the American dream. As we fulfilled the American dream, many jobs were created. We started in the real estate business and eventually got into home-building.

The first year in it we lost money. We built 9 homes, providing 18 jobs, and we literally lost money. My dream in that first year was simply to have the Government get out of our way, and allow our business to concentrate on growth and expansion and the things that would make a business successful.

As we stayed in the second year we basically had two choices, either let the Government take our business away from us, that is, the banks or whoever would take it, or we would turn the business around and become profitable. The second year we built 27 homes, then to 81, then to 120.

The key to this discussion is the way jobs are created is not by going to the government and asking for Government spending or a Government program. The way jobs are created is by entrepreneurs allowing their businesses to grow and expand like ours did.

At the end of 4 years when we were building 120 homes a year, there were 250 people in southeastern Wisconsin working because of that. Just think what that means. What that means is those 250 families are not on welfare.

Let us just go the next step. What were we really looking for to be successful in business? We just wanted Washington, the Government, to get out of the way so we could be successful at promoting job expansion and job growth.

When we look at the homebuilding business, and this is one I am very familiar with, what is the best thing that can happen for the creation of jobs? It is not more Government spending. It is a balanced budget. Why a balanced budget? It is because, like Alan Greenspan says, when the budget gets balanced, interest rates will stay low, 2 percent, a full 2 percentage points lower.

What happens when the interest rates are low? Our young people again have a chance to live the American dream. When the interest rates are low, people can afford to buy houses and cars, and people have to go to work to make those houses and to make those cars. When they go to work, they are no longer on the welfare rolls or on unemployment, costing the government money, but instead they are paying money in.

We just did this. We have just been through a balanced budget battle where everyone understood we were serious about getting to a balanced budget. Look what happened. When I came here they were projecting deficits for fiscal year 1996 of $200 billion. We said we cannot have that. That is not good for our country. We are going to a balanced budget.

As we went down this road to a balanced budget exactly as Alan Greenspan said, the interest rates stayed low, we stayed on track. We passed a rescission bill that took $16 billion out, then we passed the appropriations bills that took another $23 billion out, and the markets reacted.

This is the good news. It is not those numbers. The good news is the markets reacted, interest rates stayed down, people went out and bought Suburbans, they went out and bought Jeeps, they went out and bought houses, and people went to work building those products.

When they went to work, they went off the welfare rolls, and guess what happened? We not only hit the deficit targets that we had in our glide path to a balanced budget, we actually for the first time are about $13 billion ahead of schedule. We are not only on our glide path to a balanced budget but we are actually ahead of schedule in this an election year.

I have a chart that shows this. This red line is where we were with the deficit when I first came here. This is so exciting to talk about because America does not understand that we are actually winning this battle against the budget. When we win the battle, it means jobs for our young people and it means the American dream can once again be fulfilled by American citizens.

This red line shows where we were when I came here, the deficit where it was headed. After 12 months here, yes, through lots of budget fights, very difficult budget battles and a couple of presidential vetoes, we had made progress. The yellow line shows where we were after 12 months.

We dared to dream, to dream that we were actually going to balance the budget, not the Gramm-Rudman-Hollings stuff that did not get done because they hit an election year and failed. We dared to dream we were actually going to do it.

This green line shows our dream, our glide path to a balanced budget. But here is what is different about this Congress versus the other Congresses that have been here before us. This Congress not only maintained their path to a balanced budget in this, an election year, we are actually ahead of schedule.

America does not seem to know that through all of those budget battles that we went through last year, we are winning. And when we were winning, everything worked exactly the way it was supposed to. People started buying those houses and cars, they started going back to work, and the cost of the Federal Government for welfare rolls and for unemployment went down just the way it was supposed to work. That is what led us to this point where we are ahead of schedule.

Having said that, I have to caution what is going on today. For some reason, a lot of people in this city have kind of lost sight of the fact that we have to keep working, that it is not going to be easy to get to a balanced budget.

And when we start losing sight of the fact that we have to keep our efforts focused on a balanced budget, let me go

right back to jobs and job creation. What is going to happen is, the interest rates are going to start to climb and inflation is going to pick up. When that happens it is much more difficult for the entrepreneurs to be successful out there and it just plain does not work. It is a spiral in reverse.

We cannot allow that to happen. We have to refocus our attention on balancing the budget, which is what I am doing here and which is what many of the freshman class came here to do.

Just one more thing. We have accomplished what is on this chart not by raising taxes on the American people like we saw in 1993, not by making it more difficult for our families to make ends meet because they have to pay higher taxes. We did this by reduced spending. The reality is that is the way it should be done. From the entrepreneurship from the private sector here, the best thing that government could do is get the mythical bureaucrat out of our way and allow the businesses to have the capital available to grow and expand and employ people so people can once again live the American dream.

I just have one final point on this, and I think it is very important. The American people need to understand that when the Federal Government balances their budget, that means the government is not going to borrow $150 billion a year. When the Government does not borrow that money, it is available out there in the private sector for our young people to use to buy houses and to buy cars.

That is the whole cycle, the positive cycle. If we can get to a balanced budget, the government does not borrow that money, it is not available in the private sector for our people to build houses and buy cars and so on, and when they do those things, there are more jobs created. When they create those jobs, businesses have to expand.

What is necessary for businesses to expand is the availability of capital. Then we are right back to balancing the budget. If the Federal Government does not borrow that money, the capital is available for our businesses to expand, and when the businesses expands, that is job opportunities. Those are real job opportunities for real American people. That is what this should be all about. That is what the budget battle is about.

The final words here, we are winning. We have been through a lot in the last year and a half in the budget battles and doggone it, we are winning. We are winning the battle and we are doing it without raising taxes on the American people.

Mr. HOEKSTRA. I thank the gentleman for his discussion on that point, because really the giant sucking sound here in Washington is the Federal Government sucking capital out of the capital markets, away from entrepreneurs, away for young people, away from people who want to start businesses or build homes or start their futures. The magical bureaucrats in Washington here define their success by how much money they spend on, quote-unquote, job creation programs, not by how many jobs they actually create.

□ 2115

If I had to make a choice about where I wanted to invest my dollars or who I wanted to have spending dollars to create jobs, I would go with entrepreneurs and not sending them to Washington and having Washington try to pick winners and losers.

Washington would never have picked Steve Jobs at Apple Computer as saying that looks like a good investment. Here is a guy working out of his garage. Let us go pump some money into that because I think that is going to create a new industry. I doubt if they would have picked Bill Gates. Those are not the type of people bureaucrats look at and say that is the wave of the future, because they are out of the mold. Entrepreneurs break the rules. Bureaucrats live by the rules. They cannot accept these kind of challenges.

I would like to yield to my colleague from Minnesota, who has joined us from the exalted Speaker's platform.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Michigan for yielding. I was listening probably more intently than most of the Members of Congress to this debate. I got excited by the discussion you have been having, and particularly about this chart, listening to what you are talking about. I think you have really sort of hit on what is, if I could describe it as, the nub of the great debate we are having in America today and the great debate we are having in this Congress.

In fact, let me say it this way: Senator PHIL GRAMM from Texas said it so well earlier this year when he was accused by some of the administration, I think it may have been the President. He said, you know, if PHIL GRAMM's budget passes, it means that there is going to be less money spent on education, there is going to be less money spent on children, and there is going to be less money spent on nutrition. And he really said it right. He said this is not a debate about how much money is going to be spent on education, or children, or nutrition. This is a debate about who gets to do the spending.

Ultimately, whether we are talking about housing policy, Medicare reform, all these others things we are talking about, the debate is about who gets to decide. Is it going to the American families or some magical bureaucrat here in Washington? We know it in our hearts, and I think the people understand this better than we sometimes give them credit for. They can make those decisions much better for themselves and their own families, and they will spend the money much more firmly than we can spend it here in Washington.

We can beat on the bureaucracy and the bureaucrats, and as I think the gentleman from Kansas, Representative BROWNBACK, said, these are good people. They are trying to do the right thing. But ultimately the system consumes the participants. In fact, I was reminded as you were speaking earlier of something Thomas Jefferson said so long ago. He said, ''Those who would trade freedom for security will lose both and deserve neither.''

We have bought into this idea over the last 30 or 40 years that somehow Washington knows best and somehow that elected officials and bureaucrats in Washington can make better decisions than families and communities and individuals back in their neighborhoods. So I am delighted to just take a few minutes to say I think we are on the right track. We are winning this battle.

When we say we, I think we mean we, the American people, because this ultimately is not a debate between Republicans and Democrats, it is not a debate between the Congress and the President; it really is a debate about the future of this country. It is about real individuals and about real families. It is not about dollars and cents and CBO and GAO, because sometimes we get bogged down in this debate about numbers and accounting. This is not an accounting exercise, it is about whether or not we are going to preserve the American dream for our kids.

So I congratulate you for participating in this special order tonight. I think the American people need to hear more about this, because as I have said before, facts are our friends. The more the American people see about what is really going on here in this Congress, I think the more they are going to agree that this is the direction the United States of America is going to have to move.

Mr. HOEKSTRA. I thank the gentleman for his comments. I would like to move on and talk briefly about what the gentleman introduced, which was the issue of education. I think when Senator GRAMM actually got into a little bit of a debate with a bureaucrat from the Department of Education, who said that I think I know more about educating your kids and I care more about educating your kids than what you do, his retort was if you know so much about my kids, what are their names? I do not know that much about your kids was the answer.

But you know, that is the other myth that we are fighting here, that Washington bureaucrats, that a Washington bureaucracy cares more about the education of our kids than what parents in local communities do.

This myth is also hurting America. It creates the illusion that the magical Washington education bureaucrat can substitute, think about it, that the people in Washington can substitute for parents and local teachers. The myth again creates the illusion that spending equals results. The more dollars you spend, the better results you are going to have. And the myth leads

to policy designed for the lowest common denominator.

Let us take a look at each one of those. The myth creates the illusion that many Washington education bureaucrats substitute for parents and local teachers. The myth assumes that parents have not addressed the major issues their children face, assumes that parents do not have the will to make the sacrifices on behalf of their children, assumes that parents do not have the knowledge and the expertise to solve their children's educational problems. Therefore, the magical Washington bureaucrat must step forward, meet the social obligations that families, citizens, local schools and communities are ignoring.

The reality is that Federal programs displace parents and local initiatives and solutions. They drive parents out of the process.

I have gone back and talked to parents, I have talked to local school administrators, and what you find is that the schools that work best are the ones that have the open door policy, that say any time a parent wants to come into their kid's school, the doors are open.

But what has happened is more programs come from Washington, more mandates come from Washington, the end result is that administrators at the local level are starting to look more toward Washington for their direction about what they should be doing in their schools rather than looking to the parent and the local community for what should be going on in their schools.

Once that link between the local community and the local school is broken, education goes only one way, and that is down, because once the local community no longer trusts the local schools because they do not reflect the values, the priorities, of the local community, the school system is lost.

The myth creates the illusion that spending equals results. Hey, if you are spending $1 billion on the Save the Kids Program, you must be saving kids, right? Otherwise why would you spend those kinds of dollars and why would you have a program with that kind of name on it?

The myth says the problem is not with the programs themselves, but with the taxpayers. According to the myth, the taxpayers never cared enough to increase taxes and spend money on these programs when they had control at the local level, and Washington had to step into the process.

The myth says that the people who want change, those of us saying this does not work and what is ''this,'' what we have created here in Washington by showing that we care, it is kind of like what my colleague from Kansas described in the housing and urban development. What we have created here in Washington is 760 programs. We really care, 760 programs. We care even more, because we have created 40 agencies, departments, or commissions, and boy, we really care because we are spending $120 billion.

But what is the reality of all of this spending? The reality at HUD was that we were going to improve America. The reality of 40 commissions, 760 programs, is SAT scores are dropping. In 1994, 17-year-olds scored 11 points worse in math than 1970. Sixty-six percent of 17-years-olds do not read at a proficient levels and reading scores have consistently fallen since 1962. U.S. students scored worse in math than all other large countries except Spain. Finally, freshmen, think about it, 30 percent of all college freshmen, think about it, 30 percent of all college freshmen must take remedial education classes.

In 1996, despite the poor results in educational achievement, many of us that are advocating this, for saying take these dollars, move it to the parents, move it to local school districts, to get involved with the kids, we are extremists. We do not care when we say the system is broke. The myth, the reality that Washington is trying to perpetuate, is not reality. The reality is a failed program. It is a myth that we care.

The myth leads us to develop policies that are for the lowest common denominator. We are not driving for excellence in education. We are trying to design something for the lowest common denominator. There are lots of problems here in education.

Mr. BROWNBACK. If the gentleman would yield for just a minute for a question, I would ask you, you came from the private sector in the business world. What would happen to your business had you done something similar, investing this sort of time, resources, and focus in a particular program area and had the types of results that you have just articulated?

Mr. HOEKSTRA. If I were still employed, most likely if these were the results of my area of responsibilities, I would be unemployed. The business would have never let such a key part of its future languish with these kinds of results for this long. They would have stepped in a long time ago and said ''You are selling us down the wrong track. You are out. We have got to take a new look at addressing it,'' because this is a very critical matter. We are talking about the education of our kids, the kids that are going to be running this country in 5, 10, 15 years, the kids that have to compete on an international basis if this country is going to continue to be the leading example for the world. Business would have never survived if they let this problem go on.

Mr. BROWNBACK. If I can ask another question, and I am just giving you this hypothetical question, if this was your company and this was your core product that you had to have good results out of, and you were having these sort of results, they would not have said to you, OK, Mr. HOEKSTRA, we are going to give you another $1 billion to spend because you have not produced on this, and the reason is we just did not give you enough money.

Mr. HOEKSTRA. No; they would not have given me $1 billion. They would have asked me to come up with a new plan, to come up with a new process, to systemically take a look at what I was trying to do and figure out what the real problem was.

It is very evident here in education. The problem is not money. Some of the best school districts in the country have some of the lowest per pupil spending. It is not an issue of dollars, it is an issue of where decisions are made. As we are trying to reform this and improve it, we do hear the extremists now calling us. Like you said, if I were making the kinds of decisions and changes we are trying to make here in Washington in the business world, I would be called too conservative, not willing enough to really face the issues.

We are proposing change here in Washington and we are gutting programs that in reality do not work.

Mr. BROWNBACK. If the gentleman will yield further, let me put you in another role and ask you if you were the superintendent of schools at a particular local school district and had these sort of results, spending this sort of money in this sort of program design, what do you think the school board would ask of you there?

Mr. HOEKSTRA. The school board would ask for my resignation. They would say ''These are our kids. We need to get somebody in here that can get the job done.'' So they might, before that, they might ask me what the problem is? The problem is, I think, as we have talked about it, we have asked administrators and bureaucrats to look to Washington for their direction. When you take a look, I have oversight on the Education Department. The Education Department, they are not educational experts. You would think they would be educational exports. They are accountants, primarily, because they are moving money around the country rather than really providing expertise.

I would be glad to yield to the gentleman from Wisconsin.

Mr. NEUMANN. Just a couple of points. With the 760 different educational programs, would you have any idea how many bureaucrats are necessary to run each one of the programs?

Mr. HOEKSTRA. Well, at this point in time we are trying to gather that information. Finding 760 programs is difficult. Having them scattered over 40 different agencies, we are calling up these agencies, trying to get that data. No, I do not know how many people there are in Washington.

Mr. NEUMANN. Is it safe to say there are a good number of bureaucrats necessary to run each one of these 760 different programs?

Mr. HOEKSTRA. There are bureaucrats at every level. There are over

5,000 in the Department of Education, which administers about 260 of these programs. There are bureaucrats at the local level who are trying to figure out what is coming from Washington.

Mr. NEUMANN. How many of these bureaucrats work for nothing?

Mr. HOEKSTRA. At last count, I do not believe that there were any. Actually, it would be illegal for them to volunteer.

Mr. NEUMANN. Let me go on with the point. With 760 different programs and a large number of bureaucrats, Washington bureaucrats, necessary to run each one of the programs, and each one of those bureaucrats drawing a salary, we have many, many tax dollars designed to help the education of our young people that are going to pay salaries of people here in Washington, as opposed to getting out to the young people these dollars were designed to help.

Mr. HOEKSTRA. We have a tremendous number of dollars that should be intended to educate kids that are never making it down to the local classroom.

Mr. NEUMANN. I would just like to point out as it relates to education there is another way to do this. Before I built homes, I was a math teacher. I came out of college as a math teacher. I would go downtown and hear from our businesses downtown that my students did not understand the math that the people downtown thought they should understand.

We did not turn to Washington, DC, for a solution. I was teaching at Milton, WI, at the time. What we did was a survey. We developed a survey and we sent it out to our local people. You see, I took offense at the idea that my math students did not know the math that they thought they should know coming out my classroom. That somehow was very offensive to me.

So we did a survey. We asked them what is it you are expecting our students to know when they come out of our classrooms? We got lots of people that responded to our survey. We developed a test to see whether or not the people downtown were right or whether or not our students actually did not know what they were supposed to know when they graduated from high school. Guess what we found?

□ 2130

We found the vast majority of them did not know what our businesses expected them to know when they came into the private sector to take a job. So what we did at that point is initiated a program locally, at Milton, WI, at Milton High School, and through the school system there that corrected the problem. Within 2 to 3 years we found the problem was corrected and the vast majority of the students graduating gained the knowledge that was necessary, that the business people downtown expected them to know before they graduated from our high school.

But that is the difference between the idea of Washington, DC and the bureaucrats here solving a problem versus the people in Milton, WI; the local control and the local people being involved and what it is they expect their students to know and how to develop solutions to problems locally. It does not have to be done from Washington, DC.

The other thing that happens when Washington starts doing it, and the gentleman alluded to it, every time we take a responsibility for education away from the parents and away from the community people, that is one less reason that they have to be involved in the education of the young people. And as their involvement decreases, the test scores go down, as the gentleman was alluding to.

So the gentleman is right on the money here. We need to get education back to the local level and get the local businesses and the local employers, we need to get those folks actively involved with the school systems deciding what it is that our students need to know in order to function in our society when they get out of high school.

Mr. HOEKSTRA. Mr. Speaker, I would like to now yield to the gentleman from Kansas [Mr. BROWNBACK] to talk about, I am not sure we will have time to get all the way through with it, but to at least talk about one other myth that is being perpetuated here in Washington.

Mr. BROWNBACK. Mr. Speaker, I want to again thank the gentleman for yielding to me for a few moments. I want to take a few moments to explain how the myth of the magic of Washington bureaucracy is actually at times hurting the environment which it is designed to protect.

The environmental movement has produced some wonderful results of protecting the environment, especially in improving people's attitudes and people's outlooks and actually improving the environment. We are all committed to a good, clean, healthy environment. If we do not provide a good, clean healthy, environment for our kids and our grandchildren, they will not have anyplace to live.

We have to take care of Mother Earth, we have to do the right things to take care of the environment, and I know of no Member in Congress, no Member whatsoever that is not strongly supportive of a good, clean environment. We have to provide that. But I want to provide one bit of information that I do not know if it is commonly known about Washington bureaucracy and the environment.

Does the gentleman know who the biggest polluter in America is? The biggest polluter in America today?

Mr. HOEKSTRA. If the gentleman would yield, it is the U.S. Federal Government.

Mr. BROWNBACK. It is the Federal Government. It is the Federal Government. For example, hundreds of billions of dollars and many decades will be required to clean up Federal hazardous waste sites. I will give the gentleman some General Accounting Office numbers on this. And the General Accounting Office is the watchdog of the Federal agencies of the Federal Government.

GAO says Federal agencies expect to spend $54 billion this year, this year, to clean up their own facilities as far as environmental waste and environmental problems created. And the Office of Management and Budget estimates that as much as $389 billion in additional funds may be needed through 2070 just to clean up pollution and waste caused by Washington.

There are many government programs in Washington and run by Washington, and enacted by this Congress even, or past Congresses, and operated by government bureaucracies that actually harm the environment. The Government should take steps to make sure its own house is in order. If we could clean up the Federal Government's own mess, the bureaucracy mess that we have created, that the bureaucracy has created, we will go a long ways towards improving the environment in America, towards making this country better for our children and our grandchildren.

It makes no sense for Washington, a Washington bureaucracy to subsidize environmental destruction on the one hand while establishing laws and regulations and bureaucracies to mitigate that damage on the other hand. And here is a classic example of a place working against itself on an overall policy that we all support: a clean, good, healthy environment, better for our children and grandchildren in the future; and yet the Federal Government being the biggest polluter in America.

I yield back to the gentleman from Michigan.

Mr. HOEKSTRA. I do not know if my colleague from Wisconsin has any closing comments. I think we are about at the end of our time.

Mr. NEUMANN. Do we have a little time left to do an environmental quiz?

Mr. HOEKSTRA. We have 4 minutes.

Mr. NEUMANN. Would the gentleman like me to do a little environmental quiz here tonight? I want to see where the gentleman stands.

Mr. HOEKSTRA. Only if the gentleman asks my colleague from Kansas all the questions.

Mr. NEUMANN. I will ask my colleague from Kansas. This is a question I ask the American people in virtually every town hall meeting I go to. I do a little environmental quiz and I just ask a few questions.

The first one is, does the gentleman think it makes sense for the Federal Government, before they initiate a new rule or a new regulation, to do a cost-benefit analysis; that is, to decide if the cost is worth the benefit received?

Mr. BROWNBACK. That would seem basic to me, something we should ask of everything.

Mr. NEUMANN. That is the first antienvironment vote that we took, because that is what we said. We want a

cost-benefit analysis before we enact a new regulation.

Does the gentleman think it makes sense, when we talk about spending the American taxpayers' dollars to clean up waste sites, that we first do a risk assessment and we clean up the sites that are the highest risk to the environment first and the other ones later?

Mr. BROWNBACK. Well, I would think that it would make absolute sense to clean up the highest priority ones first.

But I want to inquire of the gentleman of one. Does the gentleman think when we clean up an environmental site that we should pay more to lawyers and lawsuits on cleaning up an environmental site or should we actually pay money to clean up that site?

Mr. NEUMANN. It is clear to me we should be using the dollars to clean up the site. And right now only 50 percent of the tax dollars are actually getting out there to be used on cleaning up the site.

And I would point out that is another vote that has been scored as antienvironmental if we do a risk assessment.

Now let me ask another one. If the Federal Government initiates a new rule or a new regulation, and that new rule or new regulation causes an individual's property, has individual property, to decrease in value by more than 20 percent, say, the public is going to gain by this new rule or regulation. They want a waterway through a farm, so a farmer can no longer farm his land. So they initiate this new rule or regulation.

Does the gentleman think it is reasonable that the Federal Government should compensate the individual citizen for the loss of his property value?

Mr. BROWNBACK. Not only reasonable, but I believe constitutional.

Mr. NEUMANN. That is called takings, and that is the third antienvironmental vote we took.

Let me do one more question. If there was a forest fire and the trees burned out, and we are now looking at all this charred timber out there, and a lumber company says I can still harvest some of the timber, even though it is charred, we can still harvest some of this timber.

So the lumber company makes a deal they will buy the charred timber and replant the forest. Would it make sense to the gentleman that we would allow the lumber company to go in and harvest the charred timber and replant the forest, as opposed to leaving the charred timber to stay there to rot?

Mr. BROWBACK. That would make sense to me.

Mr. NEUMANN. That was the fourth antienvironmental vote that has been scored by the environmental groups in this country today.

Mr. HOEKSTRA. If the gentleman will yield, I think just recently the fifth environmental vote was if a Member votes against allocating family planning, which is the code word for worldwide abortion, if we vote against family planning as part of the foreign aid package, is that an environmental vote? If a Member voted against promoting abortion on an international basis, that is an antienvironmental vote.

I think the gentleman has a great quiz, and I want to thank my colleagues for joining me. I think we are going to keep raising this issue over the coming weeks.

Washington has drawn its strength from this myth for way too long. Washington cannot solve everybody's problems, and when it pretends to, it really ends up too often hurting America and Americans.

When we move decisionmaking to Washington, we substitute Washington wisdom, ''Washington wisdom,'' for the common sense of the American people. That is not the direction we want to be going. That is not the direction we need to go to address the problems that are facing this country. It is costing us trillions and trillions of dollars.

I think working together we will one way restore Washington to its proper role in American society. That is what our colleague from Arizona talked about when we began this an hour ago. There is much work to do to make that happen, but we are committed to working on that and seeing what we get back to common sense America and away from Washington wisdom.

CUTS IN GOVERNMENT WASTE NOT MADE IN NEW BUDGET

The SPEAKER pro tempore (Mr. CHRYSLER). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, last Thursday we passed a large appropriations bill which completed the process of budgeting and appropriations for the fiscal year which began last October 1. It is finally all over and I have read the boast in the papers and heard them on television and radio of the majority party, the Republican majority, that they have cut the Federal budget by $23 billion this year, $23 billion since they came into power; $23 billion has been cut out of the Federal budget.

And one would say, well, it is wonderful that all that waste has been trimmed, but when we examine the nature of the cuts, we find that the places where one knows there is a great deal of waste have not received any great cuts. On the other hand, when we go to look at the fine print of what we passed last Thursday, we find there are many, many people on the bottom, the folks who need the most in our society, who are going to be hurt. They are the victims of the $23 billion in cuts.

It is quite interesting just to pick up today's paper, the New York Times, and see a contrast in articles. On one page we have an article which talks about the Freemen. You might say, well, I am getting off the subject. The Freemen are out there in Montana and surrounded by the FBI, there is a standoff, there is a possibility that we may have some kind of violent explosion there. What does it have to do with the budget of the United States? What does it have to do with the fact that the Republican majority are boasting they cut the budget by $23 billion? Well, the article that I am referring to that appeared in today's New York Times is headlined as follows: It says ''Freemen Depended on Subsidies. Evicted Anti-Tax Rancher and Partners Got $676,000 in U.S. Aid.''

These are people who are angry with the government and have been yelling loudly to outsiders that they want the government off their back. The latest sign that has been posted by the leader of this group calls the U.S. Government a corporate prostitute. Nevertheless, they are the beneficiaries. The Clark family is the beneficiary of $676,000 in U.S. aid.

This category certainly has not been hurt much by the $23 billion in cuts because the $23 billion in cuts that have taken place under the leadership of the Republican majority do not involve drastic cuts in the programs that the Freemen were beneficiaries of, agriculture programs of various kinds. There is a whole slew of agricultural beneficiary programs that have been flowing to the farmers, the agribusinesses, for many years and they are not being drastically cut in this $23 billion cut this year.

The farmers programs are going to be phased out over a 7-year period. That is the public relations hype that we have been told: Do not worry, they are going to be phased out over a 7-year period. But they are still absorbing billions of dollars in waste.

And I will read on in this article and we can see what kind of waste I am talking about.

In the case of Mr. Clark, Ralph E. Clark is the leader of the Freemen. It is his ranchhouse that is surrounded. ''Mr. Clark, a Freeman in a cowboy hat, nailed to a fence post a manifesto denouncing the Federal Government as a corporate prostitute.'' I am quoting. ''Corporate prostitute'' is his language. But to read on in the New York Times article obviously April 30, 1996, which I will enter into the RECORD, to read on, quoting from the article, ''But tarnishing this image of rugged individualism, a new study of Federal payments indicates that over the last decade Mr. Clark and his ranch partners received $676,082 in government checks to cushion a variety of farming setbacks.''

We, the government, we the people we the taxpayers have been cushioning the setbacks of Mr. Clark and his family over the last 10 years.

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They were dependent on the helping hand of the government, just like everybody else up there in agriculture, said Kenneth Cook, who is the President of the Environmental Working

Group, a nonprofit group in Washington that researches farm subsidy programs. Quote, continuing: But even by the standards of agriculture, hundreds of thousands of dollars over 10 years, that is substantial, added Mr. Cook, who is an analyst who compiled the figures on Friday after studying computer files on farm subsidy checks issued by the Department of Agriculture from 1985 to 1994. Documents filed at the Garfield County courthouse also offer glimpses into the heavy reliance on government aid by the 65-year-old farmer who now symbolizes the antigovernment Freemen group.

In the 1994 foreclosure sale of Ralph Clark's 960-acre homestead, court documents show that Mr. Clark signed a 10-year contract in 1990 to receive an annual payment of $48,269 under the Conservation Reserve Program and was paid through 1994 under that program. Under this program, which is highly popular in Montana, farmers agreed to suspend production on steep slopes and other land highly subject to erosion, planted it with grass that will not be grazed or cut for hay. Critics of the program, which began in 1985, often call the program paying farmers not to farm. I would go even worse, I would go even further. Sounds like a racketeering enterprise. To pay farmers to select steep slopes in their land and plant grass instead of planting something else in order to keep it from eroding, to pay them large amounts of taxpayers' money, I consider that a racketeering enterprise with the government participating.

Mr. Speaker, they found an excuse, they found an excuse to pay these farmers large sums of money. You would be a fool not to take it. I continue to quote from the article. You would be a fool not to take it. Nick Morner, the Garfield County attorney, said of the subsidy money, referring to the skill in winning subsidy payments. He added, everybody in the county knows that is what they have been doing with a population of only 1,300 people. Garfield County received $63 million in farm subsidy payments from 1985 to 1994. A population of only 1,300 people in Garfield County received $63 million of your taxpayers' money in farm subsidy payments from 1985 to 1994. Stop and think about what that means.

Now, these are not the people being cut in the 23 billion dollars' worth of cuts that the Republican majority is so loudly proclaiming victory about. These people are not being cut. These programs are not being cut. Whether it is in Montana or in Kansas, in Montana or in Kansas, these are not the programs being cut.

One of the programs that is receiving a big cut this year is the 23 billion dollars' worth of cuts in public housing, housing for poor people, housing for the homeless. I am going to switch to another New York Times article that happened to appear on the same day. Today, Tuesday, April 30, the article reads: Dole calls Public housing one of the last bastions of socialism. Dole calls public housing one of the last bastions of socialism.

You know, what is my theme for today? My theme is that it appears that, if there is a benefit available for very poor people, people that are on the very bottom of our economic strata, then automatically it is a horrible program and anything they get is too much. Anything that people on the bottom get is too much. Anything the average American, the needy American gets, that is too much.

Mr. Speaker, on the other hand, it appears that there is a group of people in America which never have enough, and more and more is always projected and that is still not enough. We cannot give the farmers too much. More and more is projected and that is not enough. Nobody calls the agriculture program, which is rampant in Kansas, the State of Kansas, nobody calls that socialism. But there, the Senator from Kansas in this article in the New York Times today is saying that public housing is one of the last bastions of socialism.

It seems that there is a group of people that I choose to call the overlords of America. You cannot talk about then in simple class warfare terms. Class warfare is an obsolete notion. It does not tell us anything. We talk about class warfare. You have to define people as being in the middle class and the upper class and the lower class. That does not describe what is going on in the world at all.

There is a class of overlords in the world. Overlords are people who have certain privileges and seem to have access to public funds and the public treasury, and they have their own agents in public places, and we can never give them too much, the overlords. Among the overlords are the farm program recipients. Overloads are not always millionaires. There are a lot of millionaires that are taken care of by the agents of the overlords.

Greenspan is an agent of the overlords. The Federal Reserve is part of a government banking industrial complex, and Greenspan sits on top of that. He guarantees that the banking overlords will always be taken care of, even if it means suffering for large numbers of Americans who are out there in the work force.

Greenspan makes certain that as the level of unemployment drops, if our economy is doing very well, lots of people are unemployed. Greenspan puts the brakes on, tightens up on the money and the investment lessens and unemployment goes up because people are not expanding industry. They cannot hire people, and the unemployment goes up. The suffering of workers becomes a barometer for progress for Greenspan, who is the head of the Federal Reserve Bank and the agent of the banking overlords.

So the overlords for agriculture, I suppose, the chief overlord is the Secretary of Agriculture. They got a whole lot of public complex boards and various entities that make judgments about who is going to get Farmers' Home Loan mortgage money, who is going to have money forgiven. I have talked before about the fact that we forgave $11 billion in Farmers Home Loan mortgages over a 5-year period. I still have not found out how the rules are made for forgiving loans in the Farmers Home Loan mortgage program. But obviously the rules are not for ordinary common Congressmen to know. I am not a member of the overlord group.

Agents of the overlords do not have to tell how they decide who gets all of this farm subsidy money, Farmers Home Loan mortgage money. But when it comes to my district, the 11th Congressional District in New York City, in Brooklyn, the 11th Congressional District has one of the poorest communities in America located within it. Brownsville is primarily made up of public housing units. There are about 20,000 people in Brownsville who live in public housing, some of the best public housing in the country, by the way, well-kept.

The New York City housing authority over the years, for the last 30 years, certainly since public housing expanded, has been one of the leading public housing authorities in the country in terms of the way public housing is operated and kept. A lot of problems, but still there is a long waiting list. People want to get that public housing in New York City. So, public housing is good housing for poor people in Brownsville.

They have to listen now to the Senator from Kansas, who happens to be the presidential candidate for the other party call public housing one of the last bastions of socialism. Agriculture, which funnels billions of dollars to the Ralph Clarks of the world, billions of dollars to agribusiness, is never seen as socialism, but now public housing is one of the last bastions of socialism. Well, perhaps it is, and my answer to that is it is good socialism. What is wrong with socialism for ordinary people? If you are going to have socialism for agribusiness, then why do we not have socialism for the homeless, socialism for the people who might be homeless if they did not have public housing. Socialism for senior citizens.

I was at a meeting last Friday called to take a look at what is happening here in Washington with the committee on housing and banking. The people in my district have been told that the Brook amendment, which says that no more than 30 percent of your income, if you are in public housing, you do not have to pay more than 30 percent of your income for rent. And that has been eliminated by the Republican majority in the House of Representatives. The Senate has not acted on it yet, but it has been eliminated by the Republican majority here in this House. So they are concerned.

Mr. Speaker, at that meeting the room was full of senior citizens. Yes, in the area of Brownsville, there are many young families also that live in public housing. But I suspect the problem with some of the younger families is that, unlike the senior citizens, they do not know of a time when they did not have the public housing. Every senior citizen in that room knew that when they were born, federally financed public housing did not exist. They know it did not exist before they were born. They know that it is possible to lose it, that when they die it may be gone. And they are ready to fight for it.

The people who take it for granted are the ones who came on the scene, they found public housing, and they really do not understand that it came out of Democratic efforts. It came out of the New Deal. It came out of Franklin Roosevelt's grand design to help poor people, the same Franklin Roosevelt that created public housing, socialism in housing, if you want to call planning, appropriating public funds, giving people housing according to their needs, charging them only according to their income, if you want to call that socialism, then that is one brand of socialism, I guess.

It is better than the brand of socialism that the Agriculture Department applies. Agriculture does not require people to be poor. Everybody who owns some land, by the fact that they own land, Mr. Clark owned thousands and thousands of acres, it did not stop him from getting large subsidies from the Agriculture Department. In fact, the more you own, the bigger you are, the more you get from the taxpayers of America, the more you get from the Government.

So that is a socialism you might call big belly socialism. The belly of that socialism is enormous. That socialism, indiscriminately showering its socialism on the rich and the few poor farmers left. Of course, there are a few poor farmers left in America, and we certainly want to see they get some kind of help from the Government. In fact, that is what Franklin Roosevelt intended when he created the farm subsidy program. The same man who created the subsidy program in housing created the subsidy programs in agriculture, all to help poor people. The same man who created subsidy programs in housing and subsidy programs in agriculture also created the Federal Deposit Insurance Corporation to safeguard the money that every American puts in the bank.

When Franklin Roosevelt, the Democrat, the New Dealer, the socialist, when he created the FDIC, the Federal Deposit Insurance Corporation, which is socialism in banking, you might say that the Federal Government stands behind your deposits, insuring that your deposits up to a certain point will not be lost because the Government stands behind it. When Franklin Roosevelt first created it, it was $10,000, a reasonable amount. The banking overlords took it over, and the banking overlords have raised the $10,000 amount up to $100,000. And the banking overlords can play the game so that it is $100,000 in each bank. If you are rich, you can go from bank to bank and you can end up with several million dollars in the banks insured by the FDIC so that the taxpayers are going to cover your millions of dollars under this socialized banking program.

Mr. Speaker, so socialism for banking is all right because the overlords benefit. Socialism for agriculture is all right because the overlords benefit. But all of a sudden socialism in housing is under attack and will be a leading target, one of the major targets in the coming political campaign. Socialism in housing, giving housing to poor people: Well, that also fits, I suppose in some kind of bizarre pattern, some kind of bizarre maze.

Mr. Speaker, we do not hear any attacks on the situation that created the monstrosity in Montana, the Freemen out there go home free. They are not being attacked. They are not being targeted. Probably the Democratic-Republican campaign in the coming election will completely ignore the economics of the situation that created the crisis in Montana. With a population of only 1,300 people, the taxpayers were being swindled out of $63 million in farm subsidy payments over a 10-year period.

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Let me continue to read from the article about the standoff in Montana and show you how the standoff in Montana relates to the $23 billion in budget cuts that impact mostly on the poorest people of America and do not cut waste because these are the recipients of waste.

In the same period that Garfield County received $63 million in farm subsidy payments, the section of Jordan where the Clarks live, 76 farmers in that section, 76 farmers, received $7.3 million from 31 different farm subsidy programs.

I said before that there are a lot of different pieces in the farm racketeering setup, a lot of different pieces: The Farmers' Home Loan Mortgage, which is very seldom discussed. We talk about the farm subsidy program on the floor of the House a great deal, but we do not talk about all those other pieces. But there were 31 different farm subsidy programs that the racketeers in Ralph Clark's gang tapped into.

Continuing to read from the article, quote: '''What stands out about Ralph Clark is the complexity. Ordinarily a family farm is not that complicated.'

''Over a 10-year period, Federal checks went to 11 entities with interest in the main Clark homestead here—first, to Mr. Clark; then, from 1988 to 1993, to a corporation in which Mr. Clark was a stockholder, and then, in 1993 and 1994, to a revocable trust in which he had an interest.

'''Around 1992, they were setting up revocable trusts as a means of avoiding income taxes, State taxes,' Mr. Murnion, The County Attorney, said, referring to one of a series of strategies Mr. Clark tried over the last 15 years to avoid losing his farm.''

''Mr. Clark's financial problems date to 1978, when, following the trend of the time, Mr. Clark borrowed heavily to expand his holdings, adding 7,000 acres to his original homestead.''

Now, if you have the image of a struggling farmer out there in the New Deal days, when President Roosevelt first created the farm subsidy program, reaching out to the Federal Government to get much-deserved assistance to keep family farms alive, and then using that to maintain a family farm to not only take care of his own family but to provide to the overall economy, to keep the cost of food down, we know all the good things that flow from an agriculture program that is working properly, but not Mr. Clark. He went into heavy debt in order to expand his farm, which was already very large, by 7,000 additional acres.

In May of 1982, the Farmers' Home Administration, however, had to call in his entire outstanding debt of $825,000 because the greed, the greed that drove Mr. Clark to expand his farm, to buy more land, evidently was not based on anything sound. In fact, it was probably part of a racketeering plot. He knew the land he was using was not going to produce anything. They just wanted the money.

Why do I say that? I am only reading from the New York Times because in another section here I am going to skip, remember the entire article will be entered into the record, if you are interested, and I am going to skip to another section which describes the behavior of Mr. Clark in case you are weeping for the man who had his farm foreclosed because he owed the Federal Government $825,000 in outstanding debt. Do not weep. Save your tears for the people who are denied the minimum wage. Save your tears for the homeless out there who will have fewer public housing units. Save your tears for the people who really need it.

Mr. Clark, to continue reading from the article, quote, ''When Mr. Clark and other Freemen farmers had money, they did not always spend it wisely, neighbors said. After winning one stay of foreclosure from the Farmers Home Administration, they recalled, he bought,'' Mr. Clark bought, ''a Lincoln Continental. Bill Stanton, a 65-year-old neighbor who joined with the Freemen, was known by neighbors to have spent his Federal subsidy checks on things like a helicopter, a motor home and gambling trips to Las Vegas, Nevada, and the Bahamas.''

Taxpayers, you want to know what you should get angry about? You want to know what should drive you into a rage? This is not atypical of the way farm subsidies, Farmers home loan mortgage money has been used.

Two years ago, we had an article on the front page of the Washington Post

that talked about four millionaires, four or five millionaires; I do not remember the exact number; who were doing worse things than this. They had airplanes, they had airfields, they had all kinds of things that they were using the taxpayers' money to finance. Mr. Clark bought a Lincoln Continental, his neighbor bought a helicopter, a motor home, and he took gambling trips to Las Vegas, NV, and the Bahamas. But he is in the overlord group. No one is criticizing him. He will not be a target in the upcoming political campaign.

Agricultural socialism is acceptable socialism obviously, and the candidate who has said that we got to get rid of housing socialism is from a State where there are large amounts of this agricultural socialism.

I am sure in Kansas there are a large number of Randolph Clarks, probably smarter than Randolph Clark because they have not gone off their rocker. They have not completely lost their senses. Mr. Clark is such an overlord and has been an overlord for so long, he has gotten so much from the Government, that he really believes that he has a divine right. You are talking about a divine right of farmers to swindle the American taxpayers. That is what Mr. Clark is upset about. I have the right, and therefore the fact that I owe $825,000, why are you bothering me? You know, why come bother me after all these years of largess, of laying down millions of dollars? Why bother me? I am going to go to war.

So they are at war. They have got rifles. They are ready to kill people. Do not get between them and their right to the taxpayers' dollars.

Continuing to read from the article:

''In the 1980's, opposition to Federal aid became heresy here.'' In Jordan, where these people live, anybody who came along and said they opposed Federal aid was in trouble. There was a group that came along and talked about getting rid of Federal aid, and their windshield was smashed. A smashed windshield greeted Bob Scott, a Montana environmentalist, when he visited Jordan in 1987 to propose that local ranchers be weaned from Federal aid through the creation of a huge deer and bison hunting preserve.

Let me read that again. Here is an environmentalist who comes along who also obviously cares about waste in Government. He wants to see Government streamlined and downsized. He wants to see it done honestly. He does not want to see streamlining and downsizing done on the backs of people in public housing, done on the backs of children's lunch programs. He does not want to see streamlining done by decreasing the number of jobs available in the Summer Youth Employment Program.

You know this $23 billion that has been trimmed from the budget this year has come from the peasants on the bottom, the untouchables of America, and I use this because this is just a psychological labeling. It is the way things are developing. It is nothing very simple. You cannot put your hand on it. Persons untouchable today could be an overlord in a few years. In fact, that is part of why the old class warfare nomenclature does not apply. You cannot talk about America in terms of class warfare because the folks on the bottom are dreaming that one day they will be overlords, and therefore it governs the way they think, it governs the way they resist the overlords, and it governs the way they react to the agents of the overlord. Large numbers of people may think I may one day be an overlord, so let us leave the system in place. What they do not know is that the evidence has shown that there are fewer and fewer people rising from the bottom, the middle class, to become overlords.

At any rate, ''Increasingly the subsidy checks became crucial for the survival of the Clark clan,'' quoting from the New York Times article. ''Increasingly subsidy checks became crucial for survival of the Clark clan. In January 1994, the Clarks led a group of armed men to stone the county courthouse here. At issue was a Federal subsidy check that the former wife of Richard E. Clark, Ralph Clark's nephew, was seeking in a divorce payment.''

They were fighting among themselves over a farm subsidy check, and they stormed the courthouse. It was the beginning of the great revolution of the Freemen in Montana.

It all relates, my colleagues. These people who say they want to get Government off their back, people who say that Government does not owe them anything, Government should not help anybody, God helps those who help themselves, leave me along, I will do my own thing. Thousands and thousands of them exist out there, receiving farm subsidy checks in large amounts. They say everybody else is the recipient of socialism, but they receive socialism in gigantic amounts.

The overloads, the agricultural overlords, they do not receive nearly as much money as the banking overlords. The oil industry overlords; we have higher gasoline prices right now. There are a dozen ways in which the Government could act to bring down the price of gasoline just by making it a level playing field for the consumers versus the oil industry. But oil prices have been kept inflated for a long time now in order to pay for investments and to pay certain rate of returns.

So the socialism of the oil industrial complex is why we are having a great increase in gasoline prices that will go on for a while, a little while, while they make large amounts of money, and they will cut it off because the outcry will be so great until they have to bring down the price of gasoline probably within about 3 or 4 weeks.

Anyway, I want to conclude this article. I did not mean to go on for so long. This is an article, I say for anybody who joined us late, that appeared in the Tuesday, April 30, today's New York Times, and it is labeled ''Freemen Dependent on Subsidies, Evicted Anti-tax Ranching and Partners got $676,000 in U.S. Aid,'' and the article concludes by saying ''Two weeks ago, surrounded by Federal agents, embittered by Federal justice and cut off from Federal aid, Mr. Clark ordered a follower to nail to his fence the manifesto,'' that proclaimed, quote, ''Freemen are not a part of a de facto corporate prostitute, a.k.a. the United States.''

The overlords of the agriculture industry have gone berserk, and they are biting the hand that has fed them for so long, and now they even want to get violent with the people who have fed them for so long.

Americans in the rest of the country, Americans who are not on the agricultural dole, listen carefully, understand where your money goes. Most of this was not cut. It is still flowing to people like Randolph Clark and to folks who are really much better than Randolph Clark but still they are willing to sit there and take the socialism of the agricultural industry and complain that they want to get Government off their back, complain about Government spending too much money on the homeless, they complain about Government providing jobs for poor kids during the summer. These same people are guilty of monumental hypocrisy, and the Representatives that come from their States are guilty of monumental hypocrisy when they go on the floor or go anywhere and make statements about public housing being the last bastion of socialism. Public housing may be good socialism, but it is not the last bastion. It is not the worst bastion, it is not corrupted bastion.

The corrupted bastion of socialism in America is agriculture. The overlords of agriculture must be examined very closely, the whole set of activities that are occurring in America based on the overlord assumptions, assumptions that certain people owe them more and more.

Have you ever read an article in the New York Times, the Washington, Post, or most of the establishment newspapers which criticized the corporations for making more profits?

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On the contrary, when the corporations lay off people, downsize, streamline, merge, for whatever reason they lay off large numbers of people, they lay off thousands of people, the articles that appear on the editorial page are usually articles that say, we are sorry, we mourn the fact that people have been laid off; however, in the global economy, American corporations cannot survive unless they are tough. They cannot survive unless they do what they have to do. Unless they downsize or merge or streamline, they cannot continue to provide the good things that they provide to America.

The New York Times, the Washington Post, none of these entities are

blind or stupid. They know that thousands of workers are being laid off. Why do they not write editorials and say that people are losing jobs as a result of these actions being taken by these corporations? What they are saying in the case of the proposal to raise the minimum wage is, Do not do it, it is silly, it is stupid, because people will lose jobs if you raise the minimum wage. The same newspapers that have no concern about the jobs that are lost as a result of merging, downsizing, and streamlining are very concerned about jobs that will be lost because we raise the minimum wage by 1996. The theory is that if you raise the minimum wage by 1996, employers out there will not be able to afford the workers, so they will lay off some; so crocodile tears are being cried about the possibility that people will be laid off because the economics of the situation are such that to give more to the people on the very bottom will produce a situation where people lose jobs.

If we are concerned about people losing jobs, let us start at the top and say, Do not have anymore streamlining, layoffs, or downsizing, because people will lose jobs. All of a sudden the media, the newspapers, have come to the aid of the overlords. They can do no harm by streamlining. If they want to make more profit, then they are applauded. That is great for America. But if you want to take care of the untouchables and the peasants down at the bottom all of a sudden, do not do it. We have an overlord versus the untouchables mentality.

I said last week that in too many activities the overlord versus untouchable mentality crops up. The people with disabilities in America are suddenly labeled as untouchables. We have a whole series of policies being formulated, being pushed by the Republican Party, going after people with disabilities. You want to go after their Social Security benefits, you want to go after them through Medicaid, and have them defined by each State as to who has a disability or not.

The latest attack on people with disabilities is an attack on children with disabilities. In my committee, the Committee on Economic and Educational Opportunities, a bill has just been passed by the subcommittee which deals with cutting back drastically on services, Federal assistance for children with disabilities. All of a sudden, they must save money here. We must trim money here for children with disabilities. We can no longer have a commitment by the Federal Government.

There is a commitment in the authorizing legislation which says that the Federal Government will pay 40 percent of the excess costs. The difference between what it costs to educate a child who does not have a disability and what you pay additional to educate a child who does have a disability, the Federal Government is committed by the authorizing language of the law to pay 40 percent. We have never paid that much, because the appropriation process has always kept it down. The most we pay is, we pay 8 percent. But 8 percent is still a sizeable commitment.

In the current legislation, it caught me by surprise, because when I spoke last week I did not realize that in the current legislation, somehow any discussion of the obligation of the Federal Government to that 40 percent has been omitted. Children with disabilities are on the bottom. They are untouchable in the eyes of the Republican majority here. They are not overlords. They do not deserve to be protected.

Let me just close by specifically looking at the overlord untouchable mentality at work, the attitude at work in the budget cuts last week; the final touch, the completion of the process for the budget for the fiscal year that began on October 1 of 1995. That is completed now, and as I said at the beginning, the Republican majority are happy. They are parading through the streets with a banner which says, ''We cut the Federal programs. We cut the Federal Government by $23 billion.'' Let us take a look at those cuts in more detail.

In education, where at first they wanted to cut $5 billion out, but on the floor of this House there was a great campaign mounted to let the American people know the nature of those cuts. There are people who say that if you are in the minority, then who needs you? If you are in the minority, you are of no use to the Nation. But the campaign mounted by the minority, the Democratic minority, against the cuts in education is one example of why you always need the loyal opposition, why you always need a minority, because the interests of the people out there in the final analysis, if it is properly understood, if the people, if the voters understand where their interests lie, they will impact on the decision-making process in a democratic government.

It takes a lot of talking, a lot of illustrations, a lot of charts, a lot of repetition to do it, but it was done. So, $5 billion in proposed education cuts were beaten down. We did not get them because day after day, night after night, on the floor of this House, a campaign was mounted to educate the American people about what was happening and how harmful it would be to the children of America. From the school lunch cuts to the cuts in title I, the cuts in Head Start, we kept banging away at it.

There are people who say you waste time when you go on the floor during special orders, it is a waste of public money, et cetera. We get very little time during the regular session, so we need special orders. This House, with 435 Members, meets far less than the other body, which has 100 Members. The time spent on the floor by the other body is far greater than the time spent on the floor by this House. So we get the time we can get in order to educate the American people about what is going on.

It paid off. In the case of education, we beat back $5 billion in cuts to very vital programs, but we did not win totally. For $1 billion dollars was cut from the Pell grants. Pell grant carryover money was used to make up $1 billion. That was not known. That was a hidden cut. So you have the poorest college students, and Pell grants are for disadvantaged, low-income students, the poorest students contributed $1 billion in cuts that they did not know about.

The Perkins loan also took a substantial cut, from $176 million to $113 million. The money goes to disadvantaged students seeking college aid, again the untouchables people at the very lowest rungs, and they are the people who fueled this $20 billion in cuts.

In the Health and Human Services budget, the low-income heating assistance program lost $14 million. Yes, we did raise our voices about that, and I am glad that we beat back an effort to cut it totally, but they lost $14 billion.

In the housing area, which the Senator from Kansas is calling socialism today in the New York Times, there were 20 separate authorizing provisions put into the housing program. This is an appropriation bill, and the rule says you are not supposed to authorize on an appropriation bill, but rules and parliamentary procedure, democracy, in this Congress has all been thrown away long ago. So in the housing appropriations, there are 20 separate authorizing provisions, which move us closer and closer to the time when there will be no public housing as we know it.

HUD lost $1.1 billion in grants for homeless housing; $1.1 billion was taken away from grants to assist homeless people, $1.1 billion from the untouchables, the people at the very bottom. The Legal Services Corporation lost 31 percent of their funding. About a third of the neighborhood law offices will have to be closed across the country.

Legal services is for the poor, people on the very bottom who want to be able to take advantage of our great democracy and the court system. If you do not have a lawyer, it is usually impossible for you to do that. This is only for civil cases, not for criminal cases. A campaign was mounted by the Republican majority and it succeeded, so some of that $23 billion is to take away any legal assistance for poor people.

The Department of Labor took a 7-percent cut overall. The Department of Labor took a 7 percent-cut. The Department's deepest cuts, where did they fall? You can guess. The Department's deepest cuts fell in employment and training programs that help disadvantaged adults and laid-off workers. The deepest cuts fell in employment and training programs that help disadvantaged adults and laid-off workers.

The pattern is clear. The untouchables, the people on the very bottom, not the overlords, have to bear the burden of the $23 billion in cuts.

We are still going to hear more later on about tax cuts, which is like giving to the overlords. That $23 billion we have cut out, we are going to take part of that and make a gift to the overlords in terms of a tax cut for the rich. Some of the other programs that were cut, I want to be specific about education, since education is the committee that I serve on.

We heard the gentleman before me talk about education and how it is awful that the Federal Government is involved in education to the extent that it is. Of all the industrialized nations, the United States of America is the least involved in education at the central government level. We give the least amount of money. Less than 7 percent of our education budget is supplied by the Federal Government.

They talk about the Federal Government trying to run our schools. If you are giving 7 percent of the money, and most of the programs that you fund with the money are voluntary, how can you be running local schools through the Federal Government? But they cut magnet schools. Magnet schools made a contribution of $16.5 million to the $23 billion cut.

Howard University, Howard University made a contribution of $22.3 million to the $23 billion cut. If you have a chessboard, you can look at the rook, the knight, the queen, et cetera, and you can see as they take it away—they took magnet schools off, they got that; they got Howard University; health professions, $19.6 million; Healthy Start, $11.2 million; dislocated workers assistance, $131 million; adult training, $146.8 million; I said Perkins loans before; State student incentive grants, $32 million; aid for institutional development lost $34 million; graduate fellowships lost $11 million.

Libraries, libraries get a very tiny amount of money in the total budget to begin with, they lost $11.7 million. The Center for Substance Abuse lost $118 million; substance abuse prevention lost $148 million; developmental disabilities, $7.6 million; the Administration on Aging, $46.6 million; vocational education, $22.9 million. The little people on the bottom lost. The overlords gained.

Mr. Speaker, I have to end on an optimistic note, so within all the darkness, there is some light at the end of the tunnel. I close with a final appreciation of the fact that our hard work paid off in education, and title I was not cut, so title I education funding is now at the same level as it was last year.

New York City schools will receive $395 million, an increase of $67 million over the $328 million level in the House-passed bill. If the House-passed bill had gone through we would have lost tremendous amounts of money, but we have now regained. We are where we were last year. The schools in New York will get the same amount of money.

Drug-free schools is restored at the 1995 level. Bilingual education, $75 million has been added to the House level for a total of $128 million. This is an increase over what the House had cut before. New York City will receive $15.3 million of that bilingual education funding.

Summer jobs, unfortunately, I have overstated that in the last week. I thought we were exactly at the same level, but we are going to lose some jobs because the amount of money received by New York City will not be $29.9 million which was received last year, it will be $21 million, which means it will be a pretty substantial cut in the number of jobs that youngsters will be able to get this year. After all, they are on the bottom. These are poor, disadvantaged youngsters, part of untouchable class, not part of the overlords. So they have been cut. They have to make their contribution to the $23 billion in downsizing.

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The good news is that Head Start received additional money and New York City will receive $97 million, an increase of $3.8 million over last year's figure.

There is one place where we gained, Head Start for poor children, one place where the untouchables, the people at the bottom were able to gain. Cops on the Beat, $1.4 billion is included for Cops on the Beat, compared to zero that the House had cut it to at one time which means that New York City will likely get about 2,200 additional police officers.

The good news is that when you fight and you really raise your voice and you carry the message to the American people, the American people out there in all those 435 congressional districts have a lot of common sense, and they will respond. Obviously they responded to the districts of Democrats and Republicans and they let it be known they did not want the cuts in education. They understood what was happening. It was not so complicated. And they decided that we, the ordinary people, do not want the cuts. ''Don't treat us the way you treat other untouchables. Treat us the way you treat overlords. We don't want the cuts.''

Mr. Speaker, I will enter in its entirety in the RECORD the article that appeared in the New York Times on today, April 30, entitled ''Dole Calls Public Housing One Of Last Bastions of Socialism.''

Mr. Speaker, I close with one negative note. In addition to cutting $23 billion, the Appropriations Committee in the overlord atmosphere, they acted like agents of overlords and they usurped the power of the authorizing committees and they got rid of a concept called Opportunity to Learn Standards. It is just a concept really because it was in the Goals 2000 legislation and it said that in addition to testing children to see how much they have learned, in addition to establishing standards across the country so that you could compare what is being taught from one State to another and then testing young people from one State to another, to compare to see how they are doing, you ought to also have something called Opportunity to Learn Standards so that you look at from one State to another what opportunities to learn are being provided. Are you providing decent schools, safe buildings that do not have lead poisoning and asbestos? Are you providing laboratories for science teaching and science equipment? Are you providing library books that are up to date so that kids are not reading books 30 years old and history and geography which do not have the latest countries that have been established over the last 15 years in them? Are you providing qualified teachers so that you do not have a situation like the one in New York City which 3 years ago a survey showed that in three-quarters of the city where Latino and African-American children went to school, all the teachers of math and science had not majored in math and science in college so they were not qualified to teach math and science in junior high school so the kids went into high school crippled because of the fact they did not have a good foundation in junior high school. Opportunity to Learn Standards would have taken care of that.

The arrogant Appropriations Committee abused its power and it went into authorizations. It cut out the Opportunity to Learn Standards. We debated this for 6 months when the bill was reauthorized. We argued with the Senate in conference for 2 more months. It was a deliberative process which concluded with language that kept the concept in there and educated Americans as to what is happening overall in educational reform. The arrogant, abusive, over-lord-minded Appropriations Committee cut it out. It reduces the rest of us and all the authorizing committees to untouchables in the Congress. We do not have any real power. In the final analysis all decisions are going to be made by the Appropriations Committee. It bodes ill for the process.

The overlord philosophy, the overlord ideology will destroy democracy in America if we do not confront it. Understand what is happening. There are overlords, and there are untouchables. America was built for everybody, made for everybody, and we have to go to war. I do not mean physical war but political war to make certain that the overlords do not dominate and destroy us. Overlords must be stopped first in the budget process and in the appropriations process.

[From the New York Times, Apr. 30, 1996]

FREEMAN DEPENDED ON SUBSIDIES

EVICTED ANTI-TAX RANCHER AND PARTNERS GOT $676,000 IN U.S. AID

(By James Brooke)

JORDAN, MT, April 26.—Striding to the edge of Ralph E. Clark's ranch here recently, a Freeman in a cowboy hat nailed to a fence post a manifesto denouncing the Federal Government as a ''corporate prostitute.''

But tarnishing this image of rugged individualism, a new study of Federal payments indicates that over the last decade Mr. Clark and his ranch partners received $676,082 in Government checks to cushion a variety of farming setbacks: droughts, hailstorms and low prices for wheat wool and barley. The flow of Federal money was not enough to prevent foreclosure on the ranch two years ago, but Mr. Clark refused to leave, setting the stage for a siege that is now in its fifth week.

''They were dependent on the helping hand of Government, just like everybody else up there in agriculture,'' said Kenneth Cook, president of the Environmental Working Group, a nonprofit group in Washington that researches farm subsidy programs.

''But even by standards of agriculture, hundreds of thousands of dollars over 10 years—that's substantial,'' added Mr. Cook, whose analysts compiled the figures on Friday after weeks of studying computer files on farm subsidy checks issued by the Department of Agriculture from 1985 to 1994.

Documents filed at the Garfield County Courthouse also offer glimpses into the heavy reliance on Government aid by the 65-year-old farmer who now symbolizes the anti-government Freemen group. In the 1994 foreclosure sale of Ralph Clark's 960-acre homestead, court documents show that Mr. Clark signed a 10-year contract in 1990 to receive an annual payment of $48,269 under the Conservation Reserve Program. Payments were made through 1994 the Environmental Working Group said.

Under this program, highly popular in Montana, farmers agree to suspend production on steep slopes and other land highly subject to erosion, planting it with grass that will not be grazed or cut for hay. Critics of the program, which began in 1985, often call it ''paying farmers not to farm.''

''You'd be a fool not to take it,'' Nick Murnion, the Garfield County Attorney, said of the subsidy money. Referring to the Clark clan's skill in winning subsidy payments, he added, ''Everybody in the country knows that's what they have been doing.''

With a population of only 1,300 people, Garfield County received $63 million in farm subsidy payments from 1985 to 1994, the Environmental Working Group said. In the same period in Brusett, the section of Jordan where the Clarks live, 76 farmers received $7.3 million from 31 different farm subsidy programs.

''What stands out about Ralph Clark is the complexity,'' said Clark Williams, an analyst for the Washington group. ''Ordinarily, a family farm is not that complicated.''

Over a 10-year period, Federal checks went to 11 entities with interest in the main Clark homestead here—first to Mr. Clark; then, from 1988 to 1993, to a corporation in which he was a stockholder, and then, in 1993 and 1994, to a revocable trust in which he had an interest.

''Around 1992, they were setting up revocable trusts as a means of avoiding income taxes, state taxes,'' Mr. Murnion, the County Attorney, said, referring to one of a series of strategies Mr. Clark tried over the last 15 years to avoid losing his farm, which had been in his family since 1913.

Mr. Clark's financial problems date to 1978 when, following the trend of the time, he borrowed heavily to expand his holdings, adding 7,000 acres to his original homestead. But interest rates soared to 21 percent in 1979, drought struck in 1980 and hail flattened his wheat and barley crops in 1981. By May 1982, the Farmers Home Administration was calling in his entire outstanding debt of $825,000.

''Someone like Ralph didn't start out hating the system,'' recalled Sarah Vogel, a lawyer who helped him to postpone foreclosure in 1982 and who is now North Dakota's Agriculture Commissioner. ''He was a genuine, old timey rancher, who grew up without a telephone, who used to deliver mail by horseback because they didn't have roads.''

In dealing with the Federal bureaucracy, Ms. Vogel recalls, Mr. Clark labored under a hidden handicap: he had never learned to read or write. ''He never admitted it,'' she said. ''I remember driving to the hearing, and he said, 'I forgot my glasses at home, could you tell me what that street sign says?' ''

To handle the paperwork of modern farming, he relied on his wife, Kay, or on his son, Edwin.

Ms. Vogel's defense of Mr. Clark drew an article in Life magazine and a report by Geraldo Rivera on the ABC News program ''20/20.'' Following this publicity, charitable donations flowed from around the nation to help the beleaguered farmer. Neighbors said financial help and counseling also came in the late 1980's from Farm Aid, a support group now in Cambridge, Mass.

''Ralph flunked out of grade school, but he had an ability to mesmerize people,'' said Cecil Weeding, a neighboring rancher who is married to Mr. Clark's sister Ada. ''He was a natural con man.''

When Mr. Clark and other Freemen farmers had money, they did not always spend it wisely, neighbors said. After winning one stay of foreclosure from Farmers Home Administration, they recalled, he bought a Lincoln Continental. Bill Stanton, a 65-year-old neighbor, who joined the Freemen, was known by neighbors to have spent his Federal subsidy checks on things like a helicopter, a motor home and gambling trips to Las Vegas, Nev., and the Bahamas.

In the 1980's, opposition to Federal aid became heresy here. Jordan, with only 450 people, is at the center of a semi-desert expanse called the Big Open, where 3,000 people are scattered over 15,000 square miles.

A smashed windshield greeted Bob Scott, a Montana environmentalist, when he visited Jordan in 1987 to propose that local ranchers be weaned from Federal aid through the creation of a huge deer and bison hunting preserve. ''I remember the Clarks as the ones being the most xenopobic, with the most bizarre ideas,'' Mr. Scott recalled in a telephone interview from his home in Missoula. ''One of the Clarks said we were a cult group that was going to bring AIDS into the area.''

Increasingly, subsidy checks became crucial for the survival of the Clark clan. In January 1994, the Clarks led a group of armed men to storm the county courthouse here. At issue was a Federal subsidy check that the former wife of Richard E. Clark, Ralph Clark's nephew, was seeking in a divorce payment.

But time was running out for the Clarks in the conventional courts of the land. On April 14, 1994, Ralph Clark's homestead farm was sold for $50,0000 to an out-of-state creditor bank. In October 1995, K.L. Bliss, a local rancher, paid $493,000 for the 7,000-acre spread that Mr. Clark bought nearly 20 years earlier.

But two years ago, Mr. Clark gave up on the courts and stopped leaving his farm. From his homestead, renamed ''Justus Township,'' he signed his name to a series of pronouncements setting up a parallel ''common law'' system of marshals and grand juries. According to the Federal Bureau of Investigation, the Clark farm compound also began to compete with the Federal Reserve, issuing its own currency in the form of millions of dollars in bogus checks.

Two weeks ago, surrounded by Federal agents, embittered by Federal justice and cut off from Federal aid, Mr. Clark ordered a follower to nail to his fence the manifesto that proclaimed: ''Freemen are NOT a part to the de facto corporate prostitute a/k/a/ the United States.''

DOLE CALLS PUBLIC HOUSING ONE OF 'LAST BASTIONS OF SOCIALISM'

(By Adam Nagourney)

WASHINGTON, April 29.—Senator Bob Dole called today for an end to Government-assisted housing programs, terming public housing ''one of the last bastions of socialism in the world'' and attacking the Clinton Administration for regulatory excess that he likened to the ''thought police.''

Mr. Dole called for the elimination of the Department of Housing and Urban Development, and declared that Government had an obligation to maintain basic services for the poor, but he added: ''These programs have failed in that mission. They have not alleviated poverty. They have not; in fact, they've deepened it.

''Public housing is one of the last bastions of socialism in the world. Imagine, the United States Government owns the housing where an entire class of citizens permanently live. We're the landlords of misery.''

With his speech to a convention of real estate agents here this morning, the presumptive Republican Presidential nominee signaled his third attempt in two weeks to define differences between himself and President Clinton. And again, he did so by portraying the two men as occupying opposite ends of the ideological spectrum. He had previously attacked Mr. Clinton's record of judiciary appointments, and over the weekend, he called for a rollback of the 4.3 cent gasoline tax that Mr. Clinton had pushed through as part of the 1993 deficit-reduction package.

Mr. Dole's remarks about public housing were at the heart of a speech that included both a broad range of criticism of Mr. Clinton's record as well as a defense of Mr. Dole's ties to the Republican Congress. Aides to the Kansas Senator believe that Mr. Dole's recent political difficulties, suggested by his poor standing in public opinion polls, have been caused, at least in part, by his association with House Republicans and the difficulties he has encountered in trying to run the Senate as majority leader while running for President.

Mr. Dole made clear today that he intended neither to step down from his position in the Senate, nor to step away from his colleagues in the House. ''I've read lately that all those radical ideas that we had are the reasons we may be in difficulty,'' said Mr. Dole. ''First of all, I don't think we're in difficulty but secondly, they're not radical ideas.''

He mentioned in particular the attempts by Congress to balance the budget over seven years. ''We thought it was a pretty good idea,'' Mr. Dole said, ''and it wasn't radical, wasn't some crackpot idea that Newt Gingrich and Bob Dole thought of at midnight some—one night, and said, 'Oh, let's do this,' And we did it.''

Still, Mr. Dole's speech showed the difficulties he has encountered trying to find a middle ground between Mr. Clinton's policies and those of conservative Republicans in Congress. Even as he pointedly rejected suggestions that his political difficulties were

caused by this association with Mr. Gingrich, Mr. Dole made a point of saying that he thought Government ''has an obligation to maintain a safety net.''

And even as he offered a broad criticism of the Department of Housing and Urban Development he offered some praise for the organization he was attacking. ''I think we've certainly downsized it a great deal, and I've said before we could abolish it,'' Mr. Dole said. ''But I think their goals are commendable. They want to reduce the number of homeless; they want to expand housing opportunities and open housing markets to minorities.''

Mr. Dole suggested that the public housing programs be replaced with a system of vouchers, under which people eligible for public housing assistance would be awarded certificates that they could use to pay for rent in private housing.

To clear the way for the elimination of the housing agency, Mr. Dole proposed that homeless assistance programs should be transferred to the Department of Health and Human Services, and enforcement efforts be turned over to the Department of Justice.

Henry G. Cisneros, the Secretary of Housing and Urban Development, said that his department had tried to push the voucher program through, but had encountered resistance from Republicans in Congress. He rejected Mr. Dole's statement as ''election-year simplistic answers. What about all those units, and all those people, and what has been a 60-year consensus on house policy?''

Beyond policy, Mr. Dole singled out for criticism a senior official in the Department of Housing and Urban Development—Roberta Achtenberg—as an example of liberal excesses. He noted that she has lead an effort by HUD to investigate groups that had fought the agency's efforts to build public housing.

Mr. Dole was referring to two instances in which HUD investigated citizens who sought to block public housing projects by writing letters of protest and gathering petitions.

Both investigations were scaled back in response to criticism, on orders of Mr. Cisneros. Mr. Dole, recounting the incident today, likened HUD to the thought police and said that in his administration, ''There is no room for discrimination, but there will also be no room for intimidating and intrusive actions.''

Ms. Achtenberg was the only HUD official Mr. Dole mentioned by name. Her appointment was noteworthy because she was the highest-level open lesbian appointed by the President, and her appointment has been opposed by some conservative Republicans, notably Senator Jesse Helms of North Carolina, who is a longtime friend and supporter of the Kansas Senator. Mr. Dole's aides said the Senator has singled her out only because she was in charge of the department behind these inquiries, and they were not trying to revive the controversy over her appointment.

CORRECTION OF THE CONGRESSIONAL RECORD OF THURSDAY, APRIL 25, 1996—CONFERENCE REPORT ON H.R. 3019, BALANCED BUDGET LOAN DOWN PAYMENT ACT

For consideration of the House Bill (except for section 101(c)) and the Senate amendment (except for section 101(d)), and modifications committed to conference:

BOB LIVINGSTON,
JOHN MYERS,
BILL YOUNG,
RALPH REGULA,
JOHN EDWARD PORTER,
HAL ROGERS,
JOE SKEEN,
FRANK R. WOLF,
BARBARA VUCANOVICH,
JIM LIGHTFOOT,
SONNY CALLAHAN,
JAMES T. WALSH,
DAVID R. OBEY,
LOUIS STOKES,
TOM BEVILL,
JOHN P. MURTHA,
CHARLES WILSON,
BILL HEFNER,
ALAN MOLLOHAN,

For consideration of section 101(c) of the House bill, and section 101(d) of the Senate amendment, and modifications committed to conference:

JOHN EDWARD PORTER,
BILL YOUNG,
ERNEST ISTOOK,
DAN MILLER,
JAY DICKEY,
FRANK RIGGS,
ROGER F. WICKER,
BOB LIVINGSTON,
DAVID R. OBEY,
LOUIS STOKES,
STENY HOYER,
NANCY PELOSI,
NITA M. LOWEY,

Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONNIE MACK,
RICHARD C. SHELBY,
JAMES M. JEFFORDS,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
ROBERT BYRD,
DANIEL K. INOUYE,
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
PATRICK J. LEAHY,
DALE BUMPERS,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
HARRY REID,
J. ROBERT KERREY,
PATTY MURRAY,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing 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

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.

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.

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.

UNITED 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 conference 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.

DISTRIBUTION OF BILL TOTALS BY AGENCY

(BUDGET ENFORCEMENT ACT SCOREKEEPING)

	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	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	---	---		

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	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)	---	---		

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	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 House 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 House 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

For consideration of the House Bill (except for section 101(c)) and the Senate amendment (except for section 101(d)), and modifications committed to conference:

BOB LIVINGSTON,
JOHN MYERS,
BILL YOUNG,
RALPH REGULA,
JOHN EDWARD PORTER,
HAL ROGERS,
JOE SKEEN,
FRANK R. WOLF,
BARBARA VUCANOVICH,
JIM LIGHTFOOT,
SONNY CALLAHAN,
JAMES T. WALSH,
DAVID R. OBEY,
LOUIS STOKES,
TOM BEVILL,
JOHN P. MURTHA,
CHARLES WILSON,
BILL HEFNER,
ALAN MOLLOHAN,

For consideration of section 101(c) of the House bill, and section 101(d) of the Senate amendment, and modifications committed to conference:

JOHN EDWARD PORTER,
BILL YOUNG,
ERNEST ISTOOK,
DAN MILLER,
JAY DICKEY,
FRANK RIGGS,
ROGER F. WICKER,
BOB LIVINGSTON,
DAVID R. OBEY,
LOUIS STOKES,
STENY HOYER,
NANCY PELOSI,
NITA M. LOWEY,

Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONNIE MACK,
RICHARD C. SHELBY,
JAMES M. JEFFORDS,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
ROBERT BYRD,
DANIEL K. INOUYE,
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
PATRICK J. LEAHY,
DALE BUMPERS,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
HARRY REID,
J. ROBERT KERREY,
PATTY MURRAY,

Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 641

Mr. BLILEY submitted the following conference report and statement on the bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–545)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641), to reauthorize the Ryan White CARE Act of 1990, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ryan White CARE Act Amendments of 1996''.

SEC. 2. REFERENCES.

Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

SEC. 3. GENERAL AMENDMENTS.

(a) PROGRAM OF GRANTS.—

(1) NUMBER OF CASES.—Section 2601(a) (42 U.S.C. 300ff–11) is amended—

(A) by striking ''subject to subsection (b)'' and inserting ''subject to subsections (b) through (d)''; and

(B) by striking ''metropolitan area'' and all that follows and inserting the following: ''metropolitan area for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available.''.

(2) OTHER PROVISIONS REGARDING ELIGIBILITY.—Section 2601 (42 U.S.C. 300ff–11) is amended by adding at the end thereof the following new subsections:

''(c) REQUIREMENTS REGARDING POPULATION.—

''(1) NUMBER OF INDIVIDUALS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may not make a grant under this section for a metropolitan area unless the area has a population of 500,000 or more individuals.

''(B) LIMITATION.—Subparagraph (A) does not apply to any metropolitan area that was an eligible area under this part for fiscal year 1995 or any prior fiscal year.

''(2) GEOGRAPHIC BOUNDARIES.—For purposes of eligibility under this part, the boundaries of each metropolitan area are the boundaries that were in effect for the area for fiscal year 1994.

''(d) CONTINUED STATUS AS ELIGIBLE AREA.—Notwithstanding any other provision of this section, a metropolitan area that was an eligible area under this part for fiscal year 1996 is an eligible area for fiscal year 1997 and each subsequent fiscal year.''.

(3) CONFORMING AMENDMENT REGARDING DEFINITION OF ELIGIBLE AREA.—Section 2607(1) (42 U.S.C. 300ff–17(1)) is amended by striking ''The term'' and all that follows and inserting the following: ''The term 'eligible area' means a metropolitan area meeting the requirements of section 2601 that are applicable to the area.''.

(b) EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES.—

(1) HIV HEALTH SERVICES PLANNING COUNCIL.—Subsection (b) of section 2602 (42 U.S.C. 300ff–12(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''include'' and all that follows through the end thereof, and inserting ''reflect in its composition the demographics of the epidemic in the eligible area involved, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations.''; and

(ii) by adding at the end thereof the following new sentences: ''Nominations for membership on the council shall be identified through an open process and candidates shall be selected based on locally delineated and publicized criteria. Such criteria shall include a conflict-of-interest standard that is in accordance with paragraph (5).'';

(B) in paragraph (2), by adding at the end thereof the following new subparagraph:

''(C) CHAIRPERSON.—A planning council may not be chaired solely by an employee of the grantee.'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''area;'' and inserting ''area, including how best to meet each such priority and additional factors that a grantee should consider in allocating funds under a grant based on the—

''(i) documented needs of the HIV-infected population;

''(ii) cost and outcome effectiveness of proposed strategies and interventions, to the extent that such data are reasonably available, (either demonstrated or probable);

''(iii) priorities of the HIV-infected communities for whom the services are intended; and

''(iv) availability of other governmental and nongovernmental resources;'';

(ii) by striking ''and'' at the end of subparagraph (B);

(iii) by striking the period at the end of subparagraph (C) and inserting '', and at the discretion of the planning council, assess the effectiveness, either directly or through contractual arrangements, of the services offered in meeting the identified needs; ''; and

(iv) by adding at the end thereof the following new subparagraphs:

''(D) participate in the development of the Statewide coordinated statement of need initiated by the State public health agency responsible for administering grants under part B; and

''(E) establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.'';

(D) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(E) by inserting after paragraph (1), the following new paragraph:

''(2) REPRESENTATION.—The HIV health services planning council shall include representatives of—

''(A) health care providers, including federally qualified health centers;

''(B) community-based organizations serving affected populations and AIDS service organizations;

''(C) social service providers;

''(D) mental health and substance abuse providers;

''(E) local public health agencies;

''(F) hospital planning agencies or health care planning agencies;

''(G) affected communities, including people with HIV disease or AIDS and historically underserved groups and subpopulations;

''(H) nonelected community leaders;

''(I) State government (including the State medicaid agency and the agency administering the program under part B);

''(J) grantees under subpart II of part C;

''(K) grantees under section 2671, or, if none are operating in the area, representatives of organizations with a history of serving children, youth, women, and families living with HIV and operating in the area; and

''(L) grantees under other Federal HIV programs.''; and

(F) by adding at the end thereof the following:

''(5) CONFLICTS OF INTEREST.—

''(A) IN GENERAL.—The planning council under paragraph (1) may not be directly involved in the administration of a grant under section 2601(a). With respect to compliance with the preceding sentence, the planning council may not designate (or otherwise be involved in the selection of) particular entities as recipients of any of the amounts provided in the grant.

''(B) REQUIRED AGREEMENTS.—An individual may serve on the planning council under paragraph (1) only if the individual agrees that if the individual has a financial interest in an entity, if the individual is an employee of a public or private entity, or if the individual is a member of a public or private organization, and such entity or organization is seeking amounts from a grant under section 2601(a), the individual will not, with respect to the purpose for which the entity seeks such amounts, participate (directly or in an advisory capacity) in the process of selecting entities to receive such amounts for such purpose.

''(6) GRIEVANCE PROCEDURES.—A planning council under paragraph (1) shall develop procedures for addressing grievances with respect to funding under this part, including procedures for submitting grievances that cannot be resolved to binding arbitration. Such procedures shall be described in the bylaws of the planning council and be consistent with the requirements of subsection (c).

''(c) GRIEVANCE PROCEDURES.—

''(1) FEDERAL RESPONSIBILITY.—

''(A) MODELS.—The Secretary shall, through a process that includes consultations with grantees under this part and public and private experts in grievance procedures, arbitration, and mediation, develop model grievance procedures that may be implemented by the planning council under subsection (b)(1) and grantees under this part. Such model procedures shall describe the elements that must be addressed in establishing local grievance procedures and provide grantees with flexibility in the design of such local procedures.

''(B) REVIEW.—The Secretary shall review grievance procedures established by the planning council and grantees under this part to determine if such procedures are adequate. In making such a determination, the Secretary shall assess whether such procedures permit legitimate grievances to be filed, evaluated, and resolved at the local level.

''(2) GRANTEES.—To be eligible to receive funds under this part, a grantee shall develop grievance procedures that are determined by the Secretary to be consistent with the model procedures developed under paragraph (1)(A). Such procedures shall include a process for submitting grievances to binding arbitration.''.

(2) DISTRIBUTION OF GRANTS.—Section 2603 (42 U.S.C. 300ff–13) is amended—

(A) in subsection (a)(2), by striking ''Not later than—'' and all that follows through ''the Secretary shall'' and inserting the following: ''Not later than 60 days after an appropriation becomes available to carry out this part for each of the fiscal years 1996 through 2000, the Secretary shall''; and

(B) in subsection (b)

(i) in paragraph (1)—

(I) by striking ''and'' at the end of subparagraph (D);

(II) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(III) by adding at the end thereof the following new subparagraphs:

''(F) demonstrates the inclusiveness of the planning council membership, with particular emphasis on affected communities and individuals with HIV disease; and

''(G) demonstrates the manner in which the proposed services are consistent with the local needs assessment and the Statewide coordinated statement of need.''; and

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(iii) by inserting after paragraph (1), the following new paragraph:

''(2) DEFINITION.—

''(A) SEVERE NEED.—In determining severe need in accordance with paragraph (1)(B), the Secretary shall consider the ability of the qualified applicant to expend funds efficiently and the impact of relevant factors on the cost and complexity of delivering health care and support services to individuals with HIV disease in the eligible area, including factors such as—

''(i) sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, or other comorbid factors determined relevant by the Secretary;

''(ii) new or growing subpopulations of individuals with HIV disease; and

''(iii) homelessness.

''(B) PREVALENCE.—In determining the impact of the factors described in subparagraph (A), the Secretary shall, to the extent practicable, use national, quantitative incidence data that are available for each eligible area. Not later than 2 years after the date of enactment of this paragraph, the Secretary shall develop a mechanism to utilize such data. In the absence of such data, the Secretary may consider a detailed description and qualitative analysis of severe need, as determined under subparagraph (A), including any local prevalence data gathered and analyzed by the eligible area.

''(C) PRIORITY.—Subsequent to the development of the quantitative mechanism described in subparagraph (B), the Secretary shall phase in, over a 3-year period beginning in fiscal year 1998, the use of such a mechanism to determine the severe need of an eligible area compared to other eligible areas and to determine, in part, the amount of supplemental funds awarded to the eligible area under this part.''.

(3) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) (as amended by paragraph (2)) is further amended—

(i) by inserting '', in accordance with paragraph (3)'' before the period; and

(ii) by adding at the end thereof the following new sentences: ''The Secretary shall reserve an additional percentage of the amount appropriated under section 2677 for a fiscal year for grants under part A to make grants to eligible areas under section 2601(a) in accordance with paragraph (4).''.

(B) INCREASE IN GRANT.—Section 2603(a) (42 U.S.C. 300ff–13(a)) is amended by adding at the end thereof the following new paragraph:

''(4) INCREASE IN GRANT.—With respect to an eligible area under section 2601(a), the Secretary shall increase the amount of a grant under paragraph (2) for a fiscal year to ensure that such eligible area receives not less than—

''(A) with respect to fiscal year 1996, 100 percent;

''(B) with respect to fiscal year 1997, 99 percent;

''(C) with respect to fiscal year 1998, 98 percent;

''(D) with respect to fiscal year 1999, 96.5 percent; and

''(E) with respect to fiscal year 2000, 95 percent;

of the amount allocated for fiscal year 1995 to such entity under this subsection.''.

(C) ADDITIONAL REQUIREMENTS FOR GRANTS.—Section 2603 (42 U.S.C. 300ff–13) is amended by adding at the end thereof the following subsection:

''(c) COMPLIANCE WITH PRIORITIES OF HIV PLANNING COUNCIL.—Notwithstanding any other provision of this part, the Secretary, in carrying out section 2601(a), may not make any grant under subsection (a) or (b) to an eligible area unless the application submitted by such area under section 2605 for the grant involved demonstrates that the grants made under subsections (a) and (b) to the area for the preceding fiscal year (if any) were expended in accordance with the priorities applicable to such year that were established, pursuant to section 2602(b)(3)(A), by the planning council serving the area.''.

(4) USE OF AMOUNTS.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(A) in subsection (b)(1)(A)—

(i) by inserting '', substance abuse treatment and mental health treatment,'' after ''case management''; and

(ii) by inserting ''which shall include treatment education and prophylactic treatment for opportunistic infections,'' after ''treatment services,'';

(B) in subsection (b)(2)(A)—

(i) by inserting '', or private for-profit entities if such entities are the only available provider of quality HIV care in the area,'' after ''nonprofit private entities,''; and

(ii) by striking ''and homeless health centers'' and inserting ''homeless health centers, substance abuse treatment programs, and mental health programs'';

(C) by adding at the end of subsection (b), the following new paragraph:

''(3) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—For the purpose of providing health and support services to infants, children, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population in such area of infants, children, and women with acquired immune deficiency syndrome to the general population in such area of individuals with such syndrome.''; and

(C) in subsection (e)—

(i) in the subsection heading, by striking ''AND PLANNING'';

(ii) by striking ''The chief'' and inserting: ''(1) IN GENERAL.—The chief'';

(iii) by striking ''accounting, reporting, and program oversight functions'';

(iv) by adding at the end thereof the following new sentence: ''In the case of entities and subcontractors to which such officer allocates amounts received by the officer under the grant, the officer shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).''; and

(v) by adding at the end thereof the following new paragraphs:

''(2) ADMINISTRATIVE ACTIVITIES.—For the purposes of paragraph (1), amounts may be used for administrative activities that include—

''(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursal of program funds, the development and establishment of reimbursement and accounting systems, the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

''(B) all activities associated with the grantee's contract award procedures, including the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.

''(3) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this subsection, subcontractor administrative activities include—

''(A) usual and recognized overhead, including established indirect rates for agencies;

''(B) management oversight of specific programs funded under this title; and

''(C) other types of program support such as quality assurance, quality control, and related activities.''.

(5) APPLICATION.—Section 2605 (42 U.S.C. 300ff–15) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting '', in accordance with subsection (c) regarding a single application and grant award,'' after ''application'';

(ii) in paragraph (1)(B), by striking ''1-year period'' and all that follows through ''eligible area'' and inserting ''preceding fiscal year'';

(iii) in paragraph (4), by striking ''and'' at the end thereof;

(iv) in paragraph (5), by striking the period at the end thereof and inserting ''; and''; and

(v) by adding at the end thereof the following new paragraph:

''(6) that the applicant has participated, or will agree to participate, in the Statewide coordinated statement of need process where it has been initiated by the State public health agency responsible for administering grants under part B, and ensure that the services provided under the comprehensive plan are consistent with the Statewide coordinated statement of need.'';

(B) in subsection (b)—

(i) in the subsection heading, by striking ''ADDITIONAL''; and

(ii) in the matter preceding paragraph (1), by striking ''additional application'' and inserting ''application, in accordance with subsection (c) regarding a single application and grant award,''; and

(C) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(D) by inserting after subsection (b), the following new subsection:

''(c) SINGLE APPLICATION AND GRANT AWARD.—

''(1) APPLICATION.—The Secretary may phase in the use of a single application that meets the requirements of subsections (a) and (b) of section 2603 with respect to an eligible area that desires to receive grants under section 2603 for a fiscal year.

''(2) GRANT AWARD.—The Secretary may phase in the awarding of a single grant to an eligible area that submits an approved application under paragraph (1) for a fiscal year.''.

(6) TECHNICAL ASSISTANCE.—Section 2606 (42 U.S.C. 300ff–16) is amended—

(A) by striking ''may'' and inserting ''shall'';

(B) by inserting after ''technical assistance'' the following: '', including assistance from other grantees, contractors or subcontractors under this title to assist newly eligible metropolitan areas in the establishment of HIV health services planning councils and,''; and

(C) by adding at the end thereof the following new sentences: ''The Administrator may make planning grants available to metropolitan areas, in an amount not to exceed $75,000 for any metropolitan area, projected to be eligible for funding under section 2601 in the following fiscal year. Such grant amounts shall be deducted from the first year formula award to eligible areas accepting such grants. Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2677 for grants under part A may be used to carry out this section.''.

(c) CARE GRANT PROGRAM.—

(1) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—Section 2611 (42 U.S.C. 300ff-21) is amended—

(A) by striking ''The'' and inserting ''(a) IN GENERAL.—The''; and

(B) by adding at the end thereof the following new subsection:

''(b) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—For the purpose of providing health and support services to infants, children, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, a State shall use, of the funds allocated under this part to the State for a fiscal year, not less than the percentage constituted by the ratio of the population in the State of infants, children, and women with acquired immune deficiency syndrome to the general population in the State of individuals with such syndrome.''.

(2) USE OF GRANTS.—Section 2612 (42 U.S.C. 300ff–22) is amended—

(A) in subsection (a)—

(i) by striking the subsection designation and heading;

(ii) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(iii) by inserting the following new paragraph:

''(1) to provide the services described in section 2604(b)(1) for individuals with HIV disease;'';

(iv) in paragraph (5) (as so redesignated), by striking ''treatments'' and all that follows through ''health,'' and inserting ''therapeutics to treat HIV disease''; and

(v) by adding at the end thereof the following flush sentences:

''Services described in paragraph (1) shall be delivered through consortia designed as described in paragraph (2), where such consortia exist, unless the State demonstrates to the Secretary that delivery of such services would be more effective when other delivery mechanisms are used. In making a determination regarding the delivery of services, the State shall consult with appropriate representatives of service providers and recipients of services who would be affected by such determination, and shall include in its demonstration to the Secretary the findings of the State regarding such consultation.''; and

(B) by striking subsection (b).

(2) HIV CARE CONSORTIA.—Section 2613 (42 U.S.C. 300ff–23) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''(or private for-profit providers or organizations if such entities are the only available providers of quality HIV care in the area)'' after ''nonprofit private,''; and

(ii) in paragraph (2)(A)—

(I) by inserting ''substance abuse treatment, mental health treatment,'' after ''nursing,''; and

(II) by inserting ''prophylactic treatment for opportunistic infections, treatment education to take place in the context of health care delivery,'' after ''monitoring,''; and

(B) in subsection (c)—

(i) in subparagraph (C) of paragraph (1), by inserting before ''care'' ''and youth centered''; and

(ii) in paragraph (2)—

(I) in clause (ii) of subparagraph (A), by striking ''served; and'' and inserting ''served;'';

(II) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(III) by adding after subparagraph (B), the following new subparagraph:

''(C) grantees under section 2671, or, if none are operating in the area, representatives in the area of organizations with a history of serving children, youth, women, and families living with HIV.''.

(3) PROVISION OF TREATMENTS.—Section 2616 (42 U.S.C. 300ff–26) is amended—

(A) in subsection (a)—

(i) by striking ''may use amounts'' and inserting ''shall use a portion of the amounts'';

(ii) by striking ''section 2612(a)(4)'' and all that follows through ''prolong life'' and inserting ''section 2612(a)(5) to provide therapeutics to treat HIV disease''; and

(iii) by inserting before the period the following: '', including measures for the prevention and treatment of opportunistic infections'';

(B) in subsection (c)—

(i) in paragraph (3), by striking ''and'' at the end thereof;

(ii) in paragraph (4), by striking the period and inserting ''; and''; and

(iii) by adding at the end thereof the following new paragraph:

''(5) document the progress made in making therapeutics described in subsection (a) available to individuals eligible for assistance under this section.''; and

(C) by adding at the end thereof the following new subsection:

''(d) DUTIES OF THE SECRETARY.—In carrying out this section, the Secretary shall review the current status of State drug reimbursement programs established under section 2612(2) and assess barriers to the expanded availability of the treatments described in subsection (a). The Secretary shall also examine the extent to which States coordinate with other grantees under this title to reduce barriers to the expanded availability of the treatments described in subsection (a).''.

(4) STATE APPLICATION.—Section 2617(b) (42 U.S.C. 300ff–27(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

''(C) a description of how the allocation and utilization of resources are consistent with the Statewide coordinated statement of need (including traditionally underserved populations and subpopulations) developed in partnership with other grantees in the State that receive funding under this title; and'';

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2), the following new paragraph:

''(3) an assurance that the public health agency administering the grant for the State will periodically convene a meeting of individuals with HIV, representatives of grantees under each part under this title, providers, and public agency representatives for the purpose of developing a Statewide coordinated statement of need; and''.

(5) PLANNING, EVALUATION AND ADMINISTRATION.—Section 2618(c) (42 U.S.C. 300ff–28(c)) is amended—

(A) by striking paragraph (1);

(B) in paragraphs (3) and (4), to read as follows:

''(3) PLANNING AND EVALUATIONS.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for planning and evaluation activities.

''(4) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for administration. In the case of entities and subcontractors to which the State allocates amounts received by the State under the grant (including consortia under section 2613), the State shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).

''(B) ADMINISTRATIVE ACTIVITIES.—For the purposes of subparagraph (A), amounts may be used for administrative activities that include routine grant administration and monitoring activities.

''(C) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this paragraph, subcontractor administrative activities include—

''(i) usual and recognized overhead, including established indirect rates for agencies;

''(ii) management oversight of specific programs funded under this title; and

''(iii) other types of program support such as quality assurance, quality control, and related activities.'';

(C) by redesignating paragraph (5) as paragraph (7); and

(D) by inserting after paragraph (4), the following new paragraphs:

''(5) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (6), a State may not use more than a total of 15 percent of amounts received under a grant awarded under this part for the purposes described in paragraphs (3) and (4).

''(6) EXCEPTION.—With respect to a State that receives the minimum allotment under subsection (a)(1) for a fiscal year, such State, from the amounts received under a grant awarded under this part for such fiscal year for the activities described in paragraphs (3) and (4), may, notwithstanding paragraphs (3), (4), and (5), use not more than that amount required to support one full-time-equivalent employee.''.

(6) TECHNICAL ASSISTANCE.—Section 2619 (42 U.S.C. 300ff–29) is amended—

(A) by striking ''may'' and inserting ''shall''; and

(B) by inserting before the period the following: '', including technical assistance for the development and implementation of Statewide coordinated statements of need''.

(7) COORDINATION.—Part B of title XXVI (42 U.S.C. 300ff–21 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 2621. COORDINATION.

''The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration coordinate the planning and implementation of Federal HIV programs in order to facilitate the local development of a complete continuum of HIV-related services for individuals with HIV disease and those at risk of such disease. Not later than October 1, 1996, and biennially thereafter, the Secretary shall submit to the appropriate committees of the Congress a report concerning coordination efforts under this title at the Federal, State, and local levels, including a statement of whether and to what extent there exist Federal barriers to integrating HIV-related programs.''.

(d) EARLY INTERVENTION SERVICES.—

(1) ESTABLISHMENT OF PROGRAM.—Section 2651(b) (42 U.S.C. 300ff–51(b)) is amended—

(A) in paragraph (1), by inserting before the period the following: '', and unless the applicant agrees to expend not less than 50 percent of the grant for such services that are specified in subparagraphs (B) through (E) of such paragraph for individuals with HIV disease''; and

(B) in paragraph (4)—

(i) by striking ''The Secretary'' and inserting ''(A) IN GENERAL.—The Secretary'';

(ii) by inserting '', or private for-profit entities if such entities are the only available provider of quality HIV care in the area,'' after ''nonprofit private entities'';

(iii) by realigning the margin of subparagraph (A) so as to align with the margin of paragraph (3)(A); and

(iv) by adding at the end thereof the following new subparagraph:

''(B) OTHER REQUIREMENTS.—Grantees described in—

''(i) paragraphs (1), (2), (5), and (6) of section 2652(a) shall use not less than 50 percent of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of section 2651(b)(2) directly and on-site or at sites where other primary care services are rendered; and

''(ii) paragraphs (3) and (4) of section 2652(a) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in section 2651(b)(2)(C), and for follow-up concerning such referrals.''.

(2) MINIMUM QUALIFICATIONS.—Section 2652(b)(1)(B) (42 U.S.C. 300ff–52(b)(1)(B)) is amended by inserting '', or a private for-profit entity if such entity is the only available provider of quality HIV care in the area,'' after ''nonprofit private entity''.

(3) MISCELLANEOUS PROVISIONS.—Section 2654 (42 U.S.C. 300ff–54) is amended by adding at the end thereof the following new subsection:

''(c) PLANNING AND DEVELOPMENT GRANTS.—

''(1) IN GENERAL.—The Secretary may provide planning grants, in an amount not to exceed $50,000 for each such grant, to public and nonprofit private entities for the purpose of enabling such entities to provide HIV early intervention services.

''(2) REQUIREMENT.—The Secretary may only award a grant to an entity under paragraph (1) if the Secretary determines that the entity will use such grant to assist the entity in qualifying for a grant under section 2651.

''(3) PREFERENCE.—In awarding grants under paragraph (1), the Secretary shall give preference to entities that provide primary care services in rural or underserved communities.

''(4) LIMITATION.—Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2655 may be used to carry out this section.''.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2655 (42 U.S.C. 300ff–55) is amended by striking ''$75,000,000'' and all that follows through the end of the section, and inserting ''such sums as may be necessary in each of the fiscal years 1996, 1997, 1998, 1999, and 2000.''.

(5) REQUIRED AGREEMENTS.—Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(A) in paragraph (2), by striking ''and'' at the end thereof;

(B) in paragraph (3)—

(i) by striking ''5 percent'' and inserting ''7.5 percent including planning and evaluation''; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end thereof the following new paragraph:

''(4) the applicant will submit evidence that the proposed program is consistent with the Statewide coordinated statement of need and agree to participate in the ongoing revision of such statement of need.''.

(e) DEMONSTRATION GRANTS FOR RESEARCH AND SERVICES FOR PEDIATRIC PATIENTS.—Section 2671 (42 U.S.C. 300f–71) is amended to read as follows:

''SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the National Institutes of Health, shall make grants to public and nonprofit private entities that provide primary care (directly or through contracts) for the following purposes:

''(1) Providing through such entities, in accordance with this section, opportunities for women, infants, children, and youth to be voluntary participants in research of potential clinical benefit to individuals with HIV disease.

''(2) In the case of women, infants, children, and youth with HIV disease, and the families of such individuals, providing to such individuals—

''(A) health care on an outpatient basis; and

''(B) additional services in accordance with subsection (d).

''(b) PROVISIONS REGARDING PARTICIPATION IN RESEARCH.—

''(1) IN GENERAL.—With respect to the projects of research with which an applicant under subsection (a) is concerned, the Secretary may make a grant under such subsection to the applicant only if the following conditions are met:

''(A) The applicant agrees to make reasonable efforts—

''(i) to identify which of the patients of the applicant are women, infants, children, and youth who would be appropriate participants in the projects;

''(ii) to carry out clause (i) through the use of criteria provided for such purpose by the entities that will be conducting the projects of research; and

''(iii) to offer women, infants, children, and youth the opportunity to participate in the projects (as appropriate), including the provision of services under subsection (d)(3).

''(B) The applicant agrees that, in the case of the research-related functions to be carried out by the applicant pursuant to subsection (a)(1), the applicant will comply with accepted standards that are applicable to such functions (including accepted standards regarding informed consent and other protections for human subjects).

''(C) For the first and second fiscal years for which grants under subsection (a) are to be made to the applicant, the applicant agrees that, not later than the end of the second fiscal year of receiving such a grant, a significant number of women, infants, children, and youth who are patients of the applicant will be participating in the projects of research.

''(D) Except as provided in paragraph (3) (and paragraph (4), as applicable), for the third and subsequent fiscal years for which such grants are to be made to the applicant, the Secretary has determined that a significant number of such individuals are participating in the projects.

''(2) PROHIBITION.—Receipt of services by a patient shall not be conditioned upon the consent of the patient to participate in research.

''(3) SIGNIFICANT PARTICIPATION; CONSIDERATION BY SECRETARY OF CERTAIN CIRCUMSTANCES.—In administering the requirement of paragraph (1)(D), the Secretary shall take into account circumstances in which a grantee under subsection (a) is temporarily unable to comply with the requirement for reasons beyond the control of the grantee, and shall in such circumstances provide to the grantee a reasonable period of opportunity in which to reestablish compliance with the requirement.

''(4) SIGNIFICANT PARTICIPATION; TEMPORARY WAIVER FOR ORIGINAL GRANTEES.—

''(A) IN GENERAL.—In the case of an applicant under subsection (a) who received a grant under such subsection for fiscal year 1995, the Secretary may, subject to subparagraph (B), provide to the applicant a waiver of the requirement of paragraph (1)(D) if the Secretary determines that the applicant is making reasonable progress toward meeting the requirement.

''(B) TERMINATION OF AUTHORITY FOR WAIVERS.—The Secretary may not provide any waiver under subparagraph (A) on or after October 1, 1998. Any such waiver provided prior to such date terminates on such date, or on such earlier date as the Secretary may specify.

''(c) PROVISIONS REGARDING CONDUCT OF RESEARCH.—

''(1) IN GENERAL.—With respect to eligibility for a grant under subsection (a):

''(A) A project of research for which subjects are sought pursuant to such subsection may be conducted by the applicant for the grant, or by an entity with which the applicant has made arrangements for purposes of the grant. The grant may not be expended for the conduct of any project of research, except for such research-related functions as are appropriate for providing opportunities under subsection (a)(1) (including the functions specified in subsection (b)(1)).

''(B) The grant may be made only if the Secretary makes the following determinations:

''(i) The applicant or other entity (as the case may be under subparagraph (A)) is appropriately qualified to conduct the project of research. An entity shall be considered to be so qualified if any research protocol of the entity has been recommended for funding under this Act pursuant to technical and scientific peer review through the National Institutes of Health.

''(ii) The project of research is being conducted in accordance with a research protocol to which the Secretary gives priority regarding the prevention or treatment of HIV disease in women, infants, children, or youth, subject to paragraph (2).

''(2) LIST OF RESEARCH PROTOCOLS.—

''(A) IN GENERAL.—From among the research protocols described in paragraph (1)(B)(ii), the Secretary shall establish a list of research protocols that are appropriate for purposes of subsection (a)(1). Such list shall be established only after consultation with public and private entities that conduct such research, and with providers of services under subsection (a) and recipients of such services.

''(B) DISCRETION OF SECRETARY.—The Secretary may authorize the use, for purposes of subsection (a)(1), of a research protocol that is not included on the list under subparagraph (A). The Secretary may waive the requirement specified in paragraph (1)(B)(ii) in such circumstances as the Secretary determines to be appropriate.

''(d) ADDITIONAL SERVICES FOR PATIENTS AND FAMILIES.—A grant under subsection (a) may be made only if the applicant for the grant agrees as follows:

''(1) The applicant will provide for the case management of the patient involved and the family of the patient.

''(2) The applicant will provide for the patient and the family of the patient—

''(A) referrals for inpatient hospital services, treatment for substance abuse, and mental health services; and

''(B) referrals for other social and support services, as appropriate.

''(3) The applicant will provide the patient and the family of the patient with such transportation, child care, and other incidental services as may be necessary to enable the patient and the family to participate in the program established by the applicant pursuant to such subsection.

''(e) COORDINATION WITH OTHER ENTITIES.—A grant under subsection (a) may be made only if the applicant for the grant agrees as follows:

''(1) The applicant will coordinate activities under the grant with other providers of health care services under this Act, and under title V of the Social Security Act.

''(2) The applicant will participate in the statewide coordinated statement of need under part B (where it has been initiated by the public health agency responsible for administering grants under part B) and in revisions of such statement.

''(f) APPLICATION.—A grant under subsection (a) may be made only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(g) COORDINATION WITH NATIONAL INSTITUTES OF HEALTH.—The Secretary shall develop and implement a plan that provides for the coordination of the activities of the National Institutes of Health with the activities carried out under this section. In carrying out the preceding sentence, the Secretary shall ensure that projects of research conducted or supported by such Institutes are made aware of applicants and grantees under subsection (a), shall require that the projects, as appropriate, enter into arrangements for purposes of such subsection, and shall require that each project entering into such an arrangement inform the applicant or grantee under such subsection of the needs of the project for the participation of women, infants, children, and youth.

''(h) ANNUAL REVIEW OF PROGRAMS; EVALUATIONS.—

''(1) REVIEW REGARDING ACCESS TO AND PARTICIPATION IN PROGRAMS.—With respect to a grant under subsection (a) for an entity for a fiscal year, the Secretary shall, not later than 180 days after the end of the fiscal year, provide for the conduct and completion of a review of the operation during the year of the program carried out under such subsection by the entity. The purpose of such review shall be the development of recommendations, as appropriate, for improvements in the following:

''(A) Procedures used by the entity to allocate opportunities and services under subsection (a) among patients of the entity who are women, infants, children, or youth.

''(B) Other procedures or policies of the entity regarding the participation of such individuals in such program.

''(2) EVALUATIONS.—The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of programs carried out pursuant to subsection (a).

''(i) TRAINING AND TECHNICAL ASSISTANCE.—Of the amounts appropriated under subsection (j) for a fiscal year, the Secretary may use not more than five percent to provide, directly or through contracts with public and private entities (which may include grantees under subsection (a)), training and technical assistance to assist applicants and

grantees under subsection (a) in complying with the requirements of this section.

''(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1996 through 2000.''.

(f) EVALUATIONS AND REPORTS.—Section 2674 (42 U.S.C. 300ff–74) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''not later than 1 year'' and all that follows through ''title,'' and inserting the following: ''not later than October 1, 1996,'';

(B) by striking paragraphs (1) through (3) and inserting the following paragraph:

''(1) evaluating the programs carried out under this title; and''; and

(C) by redesignating paragraph (4) as paragraph (2); and

(2) by adding at the end the following subsection:

''(d) ALLOCATION OF FUNDS.—The Secretary shall carry out this section with amounts available under section 241. Such amounts are in addition to any other amounts that are available to the Secretary for such purpose.''.

(g) DEMONSTRATION AND TRAINING.—

(1) IN GENERAL.—Title XXVI is amended by adding at the end, the following new part:

''PART F—DEMONSTRATION AND TRAINING

''Subpart I—Special Projects of National Significance

''SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.

''(a) IN GENERAL.—Of the amount appropriated under each of parts A, B, C, and D of this title for each fiscal year, the Secretary shall use the greater of $20,000,000 or 3 percent of such amount appropriated under each such part, but not to exceed $25,000,000, to administer a special projects of national significance program to award direct grants to public and nonprofit private entities including community-based organizations to fund special programs for the care and treatment of individuals with HIV disease.

''(b) GRANTS.—The Secretary shall award grants under subsection (a) based on—

''(1) the need to assess the effectiveness of a particular model for the care and treatment of individuals with HIV disease;

''(2) the innovative nature of the proposed activity; and

''(3) the potential replicability of the proposed activity in other similar localities or nationally.

''(c) SPECIAL PROJECTS.—Special projects of national significance shall include the development and assessment of innovative service delivery models that are designed to—

''(1) address the needs of special populations;

''(2) assist in the development of essential community-based service delivery infrastructure; and

''(3) ensure the ongoing availability of services for Native American communities to enable such communities to care for Native Americans with HIV disease.

''(d) SPECIAL POPULATIONS.—Special projects of national significance may include the delivery of HIV health care and support services to traditionally underserved populations including—

''(1) individuals and families with HIV disease living in rural communities;

''(2) adolescents with HIV disease;

''(3) Indian individuals and families with HIV disease;

''(4) homeless individuals and families with HIV disease;

''(5) hemophiliacs with HIV disease; and

''(6) incarcerated individuals with HIV disease.

''(e) SERVICE DEVELOPMENT GRANTS.—Special projects of national significance may include the development of model approaches to delivering HIV care and support services including—

''(1) programs that support family-based care networks and programs that build organizational capacity critical to the delivery of care in minority communities;

''(2) programs designed to prepare AIDS service organizations and grantees under this title for operation within the changing health care environment; and

''(3) programs designed to integrate the delivery of mental health and substance abuse treatment with HIV services.

''(f) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the Statewide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

''(g) REPLICATION.—The Secretary shall make information concerning successful models developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance from grantees funded under this part.''.

(2) REPEAL.—Subsection (a) of section 2618 (42 U.S.C. 300ff–28(a)) is repealed.

(h) HIV/AIDS COMMUNITIES, SCHOOLS, CENTERS.—

(1) NEW PART.—Part F of title XXVI (as added by subsection (e)) is further amended by adding at the end, the following new subpart:

''Subpart II—AIDS Education and Training Centers

''SEC. 2692. HIV/AIDS COMMUNITIES, SCHOOLS, AND CENTERS.''.

(2) AMENDMENTS.—Section 776 (42 U.S.C. 294n) is amended—

(A) by striking the section heading; and

(B) in subsection (a)(1)—

(i) by striking subparagraphs (B) and (C);

(ii) by redesignating subparagraphs (A) and (D) as subparagraphs (B) and (C), respectively;

(iii) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) training health personnel, including practitioners in title XXVI programs and other community providers, in the diagnosis, treatment, and prevention of HIV infection and disease, including the prevention of the perinatal transmission of the disease and including measures for the prevention and treatment of opportunistic infections;''; and

(iv) in subparagraph (B) (as so redesignated) by adding ''and'' after the semicolon.

(3) TRANSFER.—Section 776 (42 U.S.C. 294n) (as amended by paragraph (2)) is amended by transferring such section to section 2692 (as added by paragraph (1)).

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2692 (as added by paragraph (1)) is amended by adding at the end thereof the following new subsection:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000.''.

SEC. 4. AMOUNT OF EMERGENCY RELIEF GRANTS.

Paragraph (3) of section 2603(a) (42 U.S.C. 300ff–13(a)(3)) is amended to read as follows:

''(3) AMOUNT OF GRANT.—

''(A) IN GENERAL.—Subject to the extent of amounts made available in appropriations Acts, a grant made for purposes of this paragraph to an eligible area shall be made in an amount equal to the product of—

''(i) an amount equal to the amount available for distribution under paragraph (2) for the fiscal year involved; and

''(ii) the percentage constituted by the ratio of the distribution factor for the eligible area to the sum of the respective distribution factors for all eligible areas.

''(B) DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii), the term 'distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).

''(C) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

''(i) the number of cases of acquired immune deficiency syndrome in the eligible area during each year in the most recent 120-month period for which data are available with respect to all eligible areas, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

''(ii) with respect to—

''(I) the first year during such period, .06;

''(II) the second year during such period, .06;

''(III) the third year during such period, .08;

''(IV) the fourth year during such period, .10;

''(V) the fifth year during such period, .16;

''(VI) the sixth year during such period, .16;

''(VII) the seventh year during such period, .24;

''(VIII) the eighth year during such period, .40;

''(IX) the ninth year during such period, .57; and

''(X) the tenth year during such period, .88.

The yearly percentage described in subparagraph (ii) shall be updated biennially by the Secretary, after consultation with the Centers for Disease Control and Prevention. The first such update shall occur prior to the determination of grant awards under this part for fiscal year 1998.

''(D) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this paragraph, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.''.

SEC. 5. AMOUNT OF CARE GRANTS.

Paragraphs (1) and (2) of section 2618(b) (42 U.S.C. 300ff–28(b)(1) and (2)) are amended to read as follows:

''(1) MINIMUM ALLOTMENT.—Subject to the extent of amounts made available under section 2677, the amount of a grant to be made under this part for—

''(A) each of the several States and the District of Columbia for a fiscal year shall be the greater of—

''(i)(I) with respect to a State or District that has less than 90 living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), $100,000; or

''(i)(I) with respect to a State or District that has 90 or more living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), $250,000;

''(ii) an amount determined under paragraph (2); and

''(B) each territory of the United States, as defined in paragraph (3), shall be an amount determined under paragraph (2).

''(2) DETERMINATION.—

''(A) FORMULA.—The amount referred to in paragraph (1)(A)(ii) for a State and paragraph (1)(B) for a territory of the United States shall be the product of—

''(i) an amount equal to the amount appropriated under section 2677 for the fiscal year involved for grants under part B, subject to subparagraph (H); and

''(ii) the percentage constituted by the sum of—

''(I) the product of .80 and the ratio of the State distribution factor for the State or territory (as determined under subsection (B)) to the sum of the respective State distribution factors for all States or territories; and

''(II) the product of .20 and the ratio of the non-EMA distribution factor for the State or territory (as determined under subparagraph (C)) to the sum of the respective distribution factors for all States or territories.

''(B) STATE DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(I), the term 'State distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).

''(C) NON-EMA DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(II), the term 'non-ema distribution factor' means an amount equal to the sum of—

''(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

''(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).

''(D) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

''(i) the number of cases of acquired immune deficiency syndrome in the State or territory during each year in the most recent 120-month period for which data are available with respect to all States and territories, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

''(ii) with respect to each of the first through the tenth year during such period, the amount referred to in 2603(a)(3)(C)(ii).

''(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for Puerto Rico, the Virgin Islands, and Guam shall be 1.0.''.

''(F) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this subsection, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

''(G) LIMITATION.—

''(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory for a fiscal year under this part is equal to not less than—

''(I) with respect to fiscal year 1996, 100 percent;

''(II) with respect to fiscal year 1997, 99 percent;

''(III) with respect to fiscal year 1998, 98 percent;

''(IV) with respect to fiscal year 1999, 96.5 percent; and

''(V) with respect to fiscal year 2000, 95 percent;

of the amount such State or territory received for fiscal year 1995 under this part. In administering this subparagraph, the Secretary shall, with respect to States that will receive grants in amounts that exceed the amounts that such States received under this part in fiscal year 1995, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 1995.

''(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 and available for allocation under this part is less than the amount appropriated and available under this part for fiscal year 1995, the limitation contained in clause (i) shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.

''(H) APPROPRIATIONS FOR TREATMENT DRUG PROGRAM.—With respect to the fiscal year involved, if under section 2677 an appropriations Act provides an amount exclusively for carrying out section 2616, the portion of such amount allocated to a State shall be the product of—

''(i) 100 percent of such amount; and

''(ii) the percentage constituted by the ratio of the State distribution factor for the State (as determined under subparagraph (B)) to the sum of the State distribution factors for all States.''.

SEC. 6. CONSOLIDATION OF AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Part D of title XXVI (42 U.S.C. 300ff–71) is amended by adding at the end thereof the following new section:

''SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to make grants under parts A and B, such sums as may be necessary for each of the fiscal years 1996 through 2000.

''(b) DEVELOPMENT OF METHODOLOGY.—

''(1) IN GENERAL.—With respect to each of the fiscal years 1997 through 2000, the Secretary shall develop and implement a methodology for adjusting the percentages allocated to part A and part B to account for grants to new eligible areas under part A and other relevant factors. Not later than July 1, 1996, the Secretary shall prepare and submit to the appropriate committees of Congress a report regarding the findings with respect to the methodology developed under this paragraph.

''(2) FAILURE TO IMPLEMENT.—If the Secretary determines that such a methodology under paragraph (1) cannot be developed, there are authorized to be appropriated—

''(A) such sums as may be necessary to carry out part A for each of the fiscal years 1997 through 2000; and

''(B) such sums as may be necessary to carry out part B for each of the fiscal years 1997 through 2000.''.

(b) REPEALS.—Sections 2608 and 2620 (42 U.S.C. 300ff–18 and 300ff–30) are repealed.

(c) CONFORMING AMENDMENTS.—Title XXVI is amended—

(1) in section 2603 (42 U.S.C. 300ff–13)—

(A) in subsection (a)(2), by striking ''2608'' and inserting ''2677''; and

(B) in subsection (b)(1), by striking ''2608'' and inserting ''2677'';

(2) in section 2605(c)(1) (42 U.S.C. 300ff–15(c)(1)) is amended by striking ''2608'' and inserting ''2677''; and

(3) in section 2618 (42 U.S.C. 300ff–28)—

(A) in subsection (a)(1), is amended by striking ''2620'' and inserting ''2677''; and

(B) in subsection (b)(1), is amended by striking ''2620'' and inserting ''2677''.

SEC. 7. PERINATAL TRANSMISSION OF HIV DISEASE.

(a) FINDINGS.—The Congress finds as follows:

(1) Research studies and Statewide clinical experiences have demonstrated that administration of anti-retroviral medication during pregnancy can significantly reduce the transmission of the human immunodeficiency virus (commonly known as HIV) from an infected mother to her baby.

(2) The Centers for Disease Control and Prevention have recommended that all pregnant women receive HIV counseling; voluntary, confidential HIV testing; and appropriate medical treatment (including antiretroviral therapy) and support services.

(3) The provision of such testing without access to such counseling, treatment, and services will not improve the health of the woman or the child.

(4) The provision of such counseling, testing, treatment, and services can reduce the number of pediatric cases of acquired immune deficiency syndrome, can improve access to and provision of medical care for the woman, and can provide opportunities for counseling to reduce transmission among adults, and from mother to child.

(5) The provision of such counseling, testing, treatment, and services can reduce the overall cost of pediatric cases of acquired immune deficiency syndrome.

(6) The cancellation or limitation of health insurance or other health coverage on the basis of HIV status should be impermissible under applicable law. Such cancellation or limitation could result in disincentives for appropriate counseling, testing, treatment, and services.

(7) For the reasons specified in paragraphs (1) through (6)—

(A) routine HIV counseling and voluntary testing of pregnant women should become the standard of care; and

(B) the relevant medical organizations as well as public health officials should issue guidelines making such counseling and testing the standard of care.

(b) ADDITIONAL REQUIREMENTS FOR GRANTS.—Part B of title XXVI (42 U.S.C. 300ff–21 et seq.) is amended—

(1) by inserting after the part heading the following:

''Subpart I—General Grant Provisions'';

(2) in section 2611(a), by adding at the end the following sentence: ''The authority of the Secretary to provide grants under part B is subject to section 2626(e)(2) (relating to the decrease in perinatal transmission of HIV disease).''; and

(3) by adding at the end thereof the following new subpart:

''Subpart II—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

''SEC. 2625. CDC GUIDELINES FOR PREGNANT WOMEN.

''(a) REQUIREMENT.—Notwithstanding any other provision of law, a State shall, not later than 120 days after the date of enactment of this subpart, certify to the Secretary that such State has in effect regulations or measures to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for human immunodeficiency virus counseling and voluntary testing for pregnant women.

''(b) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 120-day period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under this section until such certification is provided.

''(c) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

''(1) IN GENERAL.—If a State provides the certification required in subsection (a) and is receiving funds under part B for a fiscal year, the Secretary may (from the amounts available pursuant to paragraph (2)) make a

grant to the State for the fiscal year for the following purposes:

''(A) Making available to pregnant women appropriate counseling on HIV disease.

''(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

''(C) Making available to such women voluntary HIV testing for such disease.

''(D) Offsetting other State costs associated with the implementation of this section and subsections (a) and (b) of section 2626.

''(E) Offsetting State costs associated with the implementation of mandatory newborn testing in accordance with this title or at an earlier date than is required by this title.

''(2) FUNDING.—For purposes of carrying out this subsection, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this section unless otherwise authorized.

''(3) PRIORITY.—In awarding grants under this subsection the Secretary shall give priority to States that have the greatest proportion of HIV seroprevalance among child bearing women using the most recent data available as determined by the Centers for Disease Control and Prevention.

''SEC. 2626. PERINATAL TRANSMISSION OF HIV DISEASE; CONTINGENT REQUIREMENT REGARDING STATE GRANTS UNDER THIS PART.

''(a) ANNUAL DETERMINATION OF REPORTED CASES.—A State shall annually determine the rate of reported cases of AIDS as a result of perinatal transmission among residents of the State.

''(b) CAUSES OF PERINATAL TRANSMISSION.—In determining the rate under subsection (a), a State shall also determine the possible causes of perinatal transmission. Such causes may include—

''(1) the inadequate provision within the State of prenatal counseling and testing in accordance with the guidelines issued by the Centers for Disease Control and Prevention;

''(2) the inadequate provision or utilization within the State of appropriate therapy or failure of such therapy to reduce perinatal transmission of HIV, including—

''(A) that therapy is not available, accessible or offered to mothers; or

''(B) that available therapy is offered but not accepted by mothers; or

''(3) other factors (which may include the lack of prenatal care) determined relevant by the State.

''(c) CDC REPORTING SYSTEM.—Not later than 4 months after the date of enactment of the this subpart, the Director of the Centers for Disease Control and Prevention shall develop and implement a system to be used by States to comply with the requirements of subsections (a) and (b). The Director shall issue guidelines to ensure that the data collected is statistically valid.

''(d) DETERMINATION BY SECRETARY.—Not later than 180 days after the expiration of the 18-month period beginning on the date on which the system is implemented under subsection (c), the Secretary shall publish in the Federal Register a determination of whether it has become a routine practice in the provision of health care in the United States to carry out each of the activities described in paragraphs (1) through (5) of section 2627. In making the determination, the Secretary shall consult with the States and with other public or private entities that have knowledge or expertise relevant to the determination.

''(e) CONTINGENT APPLICABILITY.—

''(1) IN GENERAL.—If the determination published in the Federal Register under subsection (d) is that (for purposes of such subsection) the activities involved have become routine practices, paragraph (2) shall apply on and after the expiration of the 18-month period beginning on the date on which the determination is so published.

''(2) REQUIREMENT.—Subject to subsection (f), the Secretary shall not make a grant under part B to a State unless the State meets not less than one of the following requirements:

''(A) A 50 percent reduction (or a comparable measure for States with less than 10 cases) in the rate of new cases of AIDS (recognizing that AIDS is a suboptimal proxy for tracking HIV in infants and was selected because such data is universally available) as a result of perinatal transmission as compared to the rate of such cases reported in 1993 (a State may use HIV data if such data is available).

''(B) At least 95 percent of women in the State who have received at least two prenatal visits (consultations) prior to 34 weeks gestation with a health care provider or provider group have been tested for the human immunodeficiency virus.

''(C) The State has in effect, in statute or through regulations, the requirements specified in paragraphs (1) through (5) of section 2627.

''(f) LIMITATION REGARDING AVAILABILITY OF FUNDS.—With respect to an activity described in any of paragraphs (1) through (5) of section 2627, the requirements established by a State under this section apply for purposes of this section only to the extent that the following sources of funds are available for carrying out the activity:

''(1) Federal funds provided to the State in grants under part B or under section 2625, or through other Federal sources under which payments for routine HIV testing, counseling or treatment are an eligible use.

''(2) Funds that the State or private entities have elected to provide, including through entering into contracts under which health benefits are provided. This section does not require any entity to expend non-Federal funds.

''SEC. 2627. TESTING OF PREGNANT WOMEN AND NEWBORN INFANTS.

''An activity or requirement described in this section is any of the following:

''(1) In the case of newborn infants who are born in the State and whose biological mothers have not undergone prenatal testing for HIV disease, that each such infant undergo testing for such disease.

''(2) That the results of such testing of a newborn infant be promptly disclosed in accordance with the following, as applicable to the infant involved:

''(A) To the biological mother of the infant (without regard to whether she is the legal guardian of the infant).

''(B) If the State is the legal guardian of the infant:

''(i) To the appropriate official of the State agency with responsibility for the care of the infant.

''(ii) To the appropriate official of each authorized agency providing assistance in the placement of the infant.

''(iii) If the authorized agency is giving significant consideration to approving an individual as a foster parent of the infant, to the prospective foster parent.

''(iv) If the authorized agency is giving significant consideration to approving an individual as an adoptive parent of the infant, to the prospective adoptive parent.

''(C) If neither the biological mother nor the State is the legal guardian of the infant, to another legal guardian of the infant.

''(D) To the child's health care provider.

''(3) That, in the case of prenatal testing for HIV disease that is conducted in the State, the results of such testing be promptly disclosed to the pregnant woman involved.

''(4) That, in disclosing the test results to an individual under paragraph (2) or (3), appropriate counseling on the human immunodeficiency virus be made available to the individual (except in the case of a disclosure to an official of a State or an authorized agency).

''(5) With respect to State insurance laws, that such laws require—

''(A) that, if health insurance is in effect for an individual, the insurer involved may not (without the consent of the individual) discontinue the insurance, or alter the terms of the insurance (except as provided in subparagraph (C)), solely on the basis that the individual is infected with HIV disease or solely on the basis that the individual has been tested for the disease or its manifestation;

''(B) that subparagraph (A) does not apply to an individual who, in applying for the health insurance involved, knowingly misrepresented the HIV status of the individual; and

''(C) that subparagraph (A) does not apply to any reasonable alteration in the terms of health insurance for an individual with HIV disease that would have been made if the individual had a serious disease other than HIV disease.

For purposes of this subparagraph, a statute or regulation shall be deemed to regulate insurance for purposes of this paragraph only to the extent that such statute or regulation is treated as regulating insurance for purposes of section 514(b)(2) of the Employee Retirement Income Security Act of 1974.

''SEC. 2628. REPORT BY THE INSTITUTE OF MEDICINE.

''(a) IN GENERAL.—The Secretary shall request that the Institute of Medicine of the National Academy of Sciences conduct an evaluation of the extent to which State efforts have been effective in reducing the perinatal transmission of the human immunodeficiency virus, and an analysis of the existing barriers to the further reduction in such transmission.

''(b) REPORT TO CONGRESS.—The Secretary shall ensure that, not later than 2 years after the date of enactment of this section, the evaluation and analysis described in subsection (a) is completed and a report summarizing the results of such evaluation and analysis is prepared by the Institute of Medicine and submitted to the appropriate committees of Congress together with the recommendations of the Institute.

''SEC. 2629. STATE HIV TESTING PROGRAMS ESTABLISHED PRIOR TO OR AFTER ENACTMENT.

''Nothing in this subpart shall be construed to disqualify a State from receiving grants under this title if such State has established at any time prior to or after the date of enactment of this subpart a program of mandatory HIV testing.''.

SEC. 8. SPOUSAL NOTIFICATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall not make a grant under part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) to any State unless such State takes administrative or legislative action to require that a good faith effort be made to notify a spouse of a known HIV-infected patient that such spouse may have been exposed to the human immunodeficiency virus and should seek testing.

(b) DEFINITIONS.—For purposes of this section:

(1) SPOUSE.—The term ''spouse'' means any individual who is the marriage partner of an HIV-infected patient, or who has been the marriage partner of that patient at any time within the 10-year period prior to the diagnosis of HIV infection.

(2) HIV-INFECTED PATIENT.—The term ''HIV-infected patient'' means any individual who has been diagnosed to be infected with the human immunodeficiency virus.

(3) STATE.—The term ''State'' means any of the 50 States, the District of Columbia, or any territory of the United States.

SEC. 9. OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation, except for training necessary to protect the health and safety of the Federal employee and the individuals served by such employees. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term ''Federal employee'' has the same meaning given the term ''employee'' in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

SEC. 10. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71) as amended by section 6, is further amended by adding at the end thereof the following new section:

''SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

''None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.''.

SEC. 11. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

SEC. 12. ADDITIONAL PROVISIONS.

(a) DEFINITIONS.—Section 2676(4) (42 U.S.C. 300ff–76(4)) is amended by inserting ''funeral-service practitioners,'' after ''emergency medical technicians,''.

(b) MISCELLANEOUS AMENDMENT.—Section 1201(a) (42 U.S.C. 300d(a)) is amended in the matter preceding paragraph (1) by striking ''The Secretary,'' and all that follows through ''shall,'' and inserting ''The Secretary shall,''.

(c) TECHNICAL CORRECTIONS.—Title XXVI (42 U.S.C. 300ff–11 et seq.) is amended—

(1) in section 2601(a), by inserting ''section'' before ''2604'';

(2) in section 2603(b)(4)(B), by striking ''an expedited grants'' and inserting ''an expedited grant'';

(3) in section 2617(b)(3)(B)(iv), by inserting ''section'' before ''2615'';

(4) in section 2647—

(A) in subsection (a)(1), by inserting ''to'' before ''HIV'';

(B) in subsection (c), by striking ''section 2601'' and inserting ''section 2641''; and

(C) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking ''section 2601'' and inserting ''section 2641''; and

(ii) in paragraph (1), by striking ''has in place'' and inserting ''will have in place'';

(5) in section 2648—

(A) by converting the heading for the section to boldface type; and

(B) by redesignating the second subsection (g) as subsection (h);

(6) in section 2649—

(A) in subsection (b)(1), by striking ''subsection (a) of''; and

(B) in subsection (c)(1), by striking ''this subsection'' and inserting ''subsection'';

(7) in section 2651—

(A) in subsection (b)(3)(B), by striking ''facility'' and inserting ''facilities''; and

(B) in subsection (c), by striking ''exist'' and inserting ''exists'';

(8) in section 2676—

(A) in paragraph (2), by striking ''section'' and all that follows through ''by the'' and inserting ''section 2686 by the''; and

(B) in paragraph (10), by striking ''673(a)'' and inserting ''673(2)'';

(9) in part E, by converting the headings for subparts I and II to Roman typeface; and

(10) in section 2684(b), in the matter preceding paragraph (1), by striking ''section 2682(d)(2)'' and inserting ''section 2683(d)(2)''.

SEC. 13. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act, and the amendments made by this Act, shall become effective on October 1, 1996.

(b) EXCEPTION.—The amendments made by sections 3(a), 5, 6, and 7 of this Act to sections 2601(c), 2601(d), 2603(a), 2618(b), 2626, 2677, and 2691 of the Public Health Service Act, shall become effective on the date of enactment of this Act.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

TOM BLILEY,
MICHAEL BILIRAKIS,
TOM COBURN,
HENRY A. WAXMAN,
GERRY STUDDS,
Managers on the Part of the House.
NANCY LANDON KASSEBAUM,
JIM JEFFORDS,
BILL FRIST,
EDWARD M. KENNEDY,
CHRISTOPHER J. DODD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

1. SHORT TITLE

The Senate Bill titles the Act the Ryan White CARE Reauthorization Act of 1995. The House bill is titled the Ryan White CARE Act Amendments of 1995. The Senate recedes.

2. ELIGIBILITY AND EFFECTIVE DATES

The Conferees agreed to make October 1, 1996 the general effective date for the Act. However, the amendments limiting eligible areas to those with a population of 500,000 or higher, continuing the eligibility of current EMAs, and all formula changes (including the provisions on single appropriations and funding for Special Projects of National Significance) are effective immediately upon passage of the Act. The Secretary is required to make a report to Congress on the single appropriations provision by July 1, 1996.

It is the intent of the Conferees that, beginning in fiscal year 1996 and continuing through the reauthorization period, no new metropolitan area with fewer than 500,000 people be eligible for Part A funds. On October 1, 1996, the period for counting AIDS cases to determine eligibility is reduced to the most recent five calendar years. The Conferees wish to make clear, however, that metropolitan areas, once eligible to receive Part A funds, and all metropolitan areas currently receiving such funds, shall remain eligible regardless of fluctuations in the five year case count over time.

3. PLANNING COUNCIL ROLES AND RESPONSIBILITIES

The Senate bill prohibits the Planning Council from being chaired solely by an employee of the grantee. The House bill contains no such prohibition. The House recedes.

The House bill provides that the planning council may not be directly involved in the administration of a grant to a provider under Section 2601(a) nor designate particular entities as recipients of grants. Planning council members must also agree to comply with measures relating to conflicts of interest. The Senate bill does not contain such provisions. The Senate recedes with an amendment that the duties of the planning council, in addition to establishing funding priorities, include making recommendations concerning how best to meet established priorities.

It is the intent of the Conferees that the planning council provide guidance to the grantee regarding the types of organizations that may best meet each service priority established by the planning council. Types of organizations may, for example, include outpatient clinics, community-based organizations that historically have served affected communities and other types of organizations that meet criteria outlined in the legislation (i.e., cost effectiveness, priority of the affected community, etc.) While the conferees expect the grantee through the grant making process to satisfy the target population, service, and service delivery priorities established by the planning council, they do not intend that the planning council select which particular organizations receive funding, either by specific direction or by narrowly describing a type of organization. The legislation clearly states that such a planning council role is prohibited. The Conferees expect that the planning council will help to guide the grantee in how best to meet the established service priorities.

4. GRIEVANCE PROCEDURES

The Senate bill mandates that planning councils establish operating procedures which include specific policies for resolving disputes, responding to grievances, and minimizing and managing conflicts of interest. The House bill contains no such mandate. The House recedes with an amendment that the operating procedures relating to conflict of interest and grievance procedures be locally developed and included in the eligible area's application for Part A formula funds.

The Senate bill includes a requirement that the Secretary develop grievance procedures specific to each part of the Act, to resolve egregious violations of each part, and to establish appropriate enforcement mechanisms. The House bill contains no such provision. The Senate recedes with an amendment to require the Secretary to convene a process involving grantees and outside experts to develop models and prototypes for locally established grievance procedures, and lay out key elements that should be addressed in setting up grievance and arbitration processes at the local level.

The Committee wishes to emphasize that the grievance procedures should be locally established, with assistance from the Secretary. The procedures are to be reviewed by the Health Resources and Services Administration to ensure that they adequately address potential conflicts and grievances. While the bill does not require the Secretary to establish federal grievance procedures, the Committee emphasizes that the Secretary has the power, under this Act and existing law on federal contracts and grants, to withhold funds for violations of the Act.

5. SUPPLEMENTAL GRANTS

The Senate bill requires that the supplemental grant application demonstrate that

the planning council include representatives of the requisite population groups, service provides, and affected communities. The House bill does not include such a provision. The House recedes.

The House bill requires that the supplemental grant application demonstrate that both formula and supplemental grant funds from the previous year were distributed according to the priorities established by the planning council. The Senate bill does not contain such a provision. The Senate recedes.

6. SEVERE NEED

The Conferees agreed to clarify the meaning of ''severe need'' for the purposes of supplemental funding under Title I. The Secretary is directed to develop a quantitative measurement of that need and incorporate it into supplemental funding allocation decisions. The development of a quantitative measurement of severe need is not intended to replace existing factors the Secretary may use to determine supplemental awards, such as comprehensive planning, magnitude of the epidemic, planning council functioning and CEO responsibilities, program and fiscal performance, needs assessment and the match between needs and service priorities.

The Conferees believe that a comparison of severe need across EMAs should be part of the review of applications for supplemental grants and compare service delivery costs and complexity of delivering services due to comorbidity and other factors listed in the legislation. The Conferees emphasize that the list of factors is not all inclusive and recognizes that data needed to quantify these factors may not be available. The Secretary may consider other factors, to account appropriately for differences in the cost and complexity of service delivery across eligible areas. Those factors which are associated with nationwide quantitative data, however, should be given the highest importance. The Conferees intend that the Secretary have flexibility in developing this quantitative mechanism to carry out comparisons across eligible areas.

In the past, supplemental awards have been allocated on the basis of the formula grant. By including criteria for severe need, the conferees intend that those eligible areas with the greatest public health challenges be given appropriate consideration for larger supplemental awards.

7. WOMEN, INFANTS, AND CHILDREN

The House bill requires Part A and Part B grantees to utilize a portion of their funds to provide health and support services to women, infants, and children. The grantees are required to utilize at least 5 percent of such funds or a percentage of funds equal to the ratio of women, infants, and children with AIDS to the entire population with AIDS, whichever is less. The Senate bill does not contain such provisions. The Senate recedes with an amendment to strike the 15 percent comparison and, in the case of Part A grantees, to require that the grantee utilize the appropriate percentage of funds in accordance with the priorities established by the planning council.

The House bill requires that these funds be used primarily for the prevention of perinatal HIV transmission. The Senate bill does not contain such a provision. The House recedes with an amendment that language be included which indicates that services funded by the set-aside may include treatments to prevent the perinatal transmission of HIV.

It is the intent of the conferees that funding be allocated based on the demographics of the epidemic in a local area, and that spending for services for women, infants, and children be equal, on a percentage basis, to the percentage of women, infants, and children with AIDS.

8. ADMINISTRATIVE COSTS

Both the House and Senate bills maintain the administrative costs caps for Part A grantees and the Senate bill defines these costs. For Part B, the Senate bill defines administrative costs and modifies existing administrative cost caps for grantees. Part B grantees are limited to spending not more than than 10% of the award they receive in a fiscal year on administrative costs and 10% of that award on planning and evaluation activities. However, total spending on administration, planning, and evaluation cannot exceed 15% of the award a grantee receives in a fiscal year. The House recedes to the definition of administrative costs and to the 15% cap.

Regarding entities receiving funds from Part A or Part B grantees, the Senate limits expenditures for administrative activities to 12.5% for each such entity. The bill specifically defines administrative costs for these entities. The House bill limits such expenditures to 10% as measured across all entities receiving funding from Part A or Part B grantees, without regard to whether an individual entity is above or below that percentage. For example, if a state or eligible area awards $1 million to 10 service providers, regardless of the amount an individual provider spends on administration, the amount spent on administration added across all 10 providers cannot exceed $100,000 (10% of $1 million). For Part B grantees, entities subject to this cost cap include the lead agencies of consortia in carrying out their administrative duties associated with the operation of the consortium. The Senate recedes with an amendment to include the Senate bill's definition of administrative costs.

The Conferees wish to emphasize that grantees and subcontractors that can restrain administrative costs to less than 10% should do so. The set amount should be regarded as a ceiling, not a floor.

9. SINGLE APPLICATION

The Senate bill allows the Secretary to phase in the use of single application for formula and supplemental Part A funds and the awarding of a single grant. The House bill makes this allowance contingent upon the request of an individual grantee. The House recedes.

It is the intent of the conferees that the Secretary have the authority to implement mechanisms necessary to make a single grant based on a single application. It is the understanding of the conferees that the use of such a grant and application will reduce the administrative burdens on the Secretary, grantees, and individual providers. Under current methods, these entities often must track two separate funding streams that accrue to a single provider for the same services.

Use of a single grant or single application, however, must not result in a delay in allocating funding under the Act.

10. USE OF PART B FUNDS

The House bill adds a fifth eligible use of Part B funds, allowing states to fund services directly. The Senate bill does not include such a provision. The Senate recedes with an amendment that, in order to fund these services outside an existing consortia system, the state must demonstrate to the Secretary that utilizing other service delivery mechanisms is more effective. In making that determination, the State must consult with service provider representatives and recipients of services.

The House bill eliminates the requirement that states with more than 1% of all cases of AIDS expend at least 50% of their Part B funds on consortia. The Senate does not eliminate this provision. The Senate recedes.

The Conferees want to emphasize that the purpose of the Act is to provide health care services to individuals with HIV and AIDS. It is the expectation of the conferees that states will maximize the funds spent directly on health care services.

The Conferees wish to emphasize that the eligible funding areas under Part B are flexible enough to allow states to implement an appropriate array of services. With Part B funds, states can establish treatment programs, health insurance continuation programs, home health care programs and consortia. The Conferees expect states to use funds to provide or ensure the provision of services eligible for funding under Part A. Where consortia exist or are established under this part, in areas that would have been eligible for direct part A funding prior to enactment of this Act, they should function as planning bodies for local service delivery, much as planning councils function under Part A.

The Conferees also emphasize that the elimination of the requirement that states with more than 1% of national AIDS cases expend at least 50% of their Part B award on consortia is not to be interpreted to mean that Part A medical services should not be provided to beneficiaries who reside outside an eligible area. Eliminating the 50% expenditure requirement provides more flexibility to respond to local needs.

11. MINIMUM DRUG FORMULARY

The Senate bill requires the Secretary to develop a minimum drug formulary for suggested use by the states which must document their success in implementing the developed formulary. The House bill requires some portion of Part B funds to be used to fund drug assistance programs, including measures for the prevention and treatment of opportunistic infections. The Senate recedes with an amendment to strike references in Section 2612(a)(2) and Section 2616(a) to ''treatments that have been determined to prolong life'' and replace them with ''therapeutics to treat HIV disease''.

These amendments expand State flexibility to provide a broader range of treatments through State drug treatment programs funded by Ryan White Care Act funds, by allowing State drug treatment programs to provide any therapeutics that treat HIV and AIDS, rather than only those that ''have been determined to prolong life.'' This is intended to increase access for persons with HIV and AIDS to treatments targeted toward various aspects of the disease, to prolong life. Such treatments may, for example, by addressing certain specific symptoms of HIV and AIDS, improve an individual's quality of life. With this flexibility, states will be able to improve access to the growing range of treatment options for HIV and AIDS, enabling patients to benefit from recent advances in the treatment of the disease.

The Senate bill requires the Secretary to review the current status of State drug reimbursement programs and assess barriers to the expanded availability of prophylactic treatments for opportunistic infections. The House bill does not contain such provisions. The House recedes with an amendment to replace ''prophylactic treatment'' with ''treatments described in subsection (a)'' and to require states to document their progress in making those treatments available.

In addition, the amendments require the Secretary to evaluate the effectiveness of State drug treatment programs in removing barriers to the availability of this wider range of therapeutics to treat HIV and AIDS, and also to evaluate the extent to which State drug treatment programs coordinate

with other recipients of Ryan White Care Act funds to remove barriers to the availability of treatments for HIV and AIDS. States also are required to document their progress in making treatments available to those eligible for assistance under the Ryan White Care Act, namely low-income individuals who have been medically diagnosed with HIV or AIDS. These requirements for evaluation and documentation are designed to assure that these funds are being used efficiently and effectively to achieve the goals of the Ryan White Care Act, specifically in the area of improving access for low income individuals to medical treatments for HIV and AIDS.

The Conferees emphasize that the Secretary is encouraged to advise states on classes of drugs that have been found effective in preventing and treating HIV disease as part of the assessment of barriers to expanded availability of therapeutics. For the purposes of this section, the Conferees include as therapeutics as pharmaceuticals (including the necessary equipment to utilize them) and other therapies which prevent the onset of opportunistic infections or deterioration of health.

12. STATEWIDE COORDINATED STATEMENT OF NEED

The Senate bill requires the state public health agency administering Part B funds to convene an annual meeting for the development of a coordinated statement of need. The House bill does not define the Statewide Coordinated Statement of Need. The House recedes with an amendment to require a periodic convening of such a meeting and to remove the parentheticals which describe required attendees.

The Conferees intend for this activity to result in a joint written statement developed in partnership with all CARE Act grantees within the State which identifies unmet need, epidemiological trends, barriers to care and other appropriate issues which impact on service availability.

The Conferees wish to emphasize that the Statewide Coordinated Statement of Need and the process to create it should not supplant existing planning processes utilized by grantees under this Act. It is meant to augment such planning and should be used as a tool to maximize coordination, integration, and effective linkages among the individual entities funded by the Act. For existing grantees, local plans and programs shall be considered consistent with the Coordinated Statement of Need if the grantees can show a good faith effort to participate in crafting the statement and a good faith consideration of the statement in their planning and decision making processes. New grantees must demonstrate their good faith consideration of the statement in making their applications for funding.

13. COORDINATION

The Senate bill requires the Public Health Service to coordinate the activities of the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration regarding the local development of a complete continuum of HIV-related services for individuals with HIV disease or at risk for HIV disease. The House bill requires the Secretary to submit a report to Congress on coordination of agency activities. The Senate recedes with an amendment that the report be submitted biennially beginning October 1, 1996.

14. EARLY INTERVENTION PROGRAMS

The Senate bill stipulates that early intervention funds are for primary care services for people with HIV. The House bill lists four types of services that are eligible for early intervention funds. The Senate recedes with an amendment that the House listed services are for people with HIV.

The Senate requires that 50% of early intervention grants to primary health care facilities, including migrant health centers, centers that provide health services for the homeless, and other federally-qualified health centers, be expended on-site or at sites where other primary care services are rendered. The House bill does not contain such a provision. The House recedes.

The conferees recognize that some grantees operate as consortia to provide services specifically designed for HIV/AIDS. These programs and the guidelines developed must meet the needs of people living with HIV/AIDS and assure that direct services are provided consistent with the needs of consumers.

The Senate bill provides planning and development grants to public and nonprofit entities that are not direct providers of primary health care to provide HIV-specific care services. The House bill provides the grants to all eligible public and private nonprofit entities to provide early intervention services. The Senate recedes with an amendment to add ''HIV'' to ''early intervention services''.

The Senate bill requires the Secretary to give preference to entities that would provide HIV primary care services in rural or under-served communities. The House bill requires preference to entities that currently provide HIV primary care services in rural and under-served communities. The Senate recedes with an amendment to delete ''HIV'' from ''HIV primary care services''.

The Senate bill requires family planning and hemophilia center grantees to ensure the availability of early intervention services through a series of linkages to community-based primary care providers and to establish mechanisms for referrals and follow-up. The House bill does not contain such a provision. The House recedes.

The Senate bill increases the cap on administrative costs to 10% and expands those costs to include planning, evaluation, and technical assistance. The House bill contains no such provision. The House recedes with an amendment to lower the cap to 7.5% and eliminate inclusion of technical assistance.

15. TITLE IV

The House bill titles Section 2671, Coordinated Services and Access to Research for Women, Infants, and Children. The Senate bill titles this section, Grants for Coordinated Services and Access to Research for Children, Youth, and Families. The Senate recedes with an amendment to add ''Grants for'' at the beginning of the title, and ''and Youth'' at the end of the title.

The House bill makes grants available to primary health care providers to provide opportunities for women, infants, and children to participate as subjects in research of potential clinical benefit. The Senate bill makes available such grants to facilitate voluntary participation of those groups in research protocols at the facility or by direct referral. The Senate recedes with an amendment to include youth in the eligible population group.

The House bill requires entities to provide outpatient health care to women, infants, and children. The Senate bill requires that health care and support services be provided to children, youth, and women with HIV disease and the families of such individuals. The Senate recedes with an amendment to require applicants to provide to patients and their families case management, transportation, child care, and other incidental services as may be necessary to enable the patient and the family to participate in the applicant's program, and referrals to inpatient hospital services, treatment for substance abuse, mental health services, and other support services as appropriate.

The House bill requires the grant applicant to make reasonable efforts to identify prospective patients who would be appropriate participants in research projects and to offer patients the opportunity to participate in projects. The Senate bill requires a broader list of assurances from the applicant, including that the grant will be used primarily to serve children, youth, and women; and that the applicant will arrange with research entities to collaborate in the conduct of facilitation of voluntary patient participation in qualified research protocols. The Senate recedes with an amendment to require entities to identify appropriate patients through the use of criteria provided by the entity for that purpose.

The House bill requires that applicant and the project of research comply with accepted standards of protection for human subjects including the provision of written informed consent. The Senate bill requires the Secretary to establish procedures which ensure those requirements. The Senate recedes.

The Conferees wish to emphasize that receipt of services by a patient shall not be conditioned upon consent to participate in research.

The House bill requires that for the third or subsequent fiscal year for which an applicant seeks a grant, the applicant must assure that a significant number, as determined by the Secretary, of women, infants, and children who are patients of the applicant are participating in research projects. The Senate bill does not contain such a provision. The Senate recedes.

Under the House bill, if the grantee is temporarily unable to comply with the ''significant number'' requirement, the Secretary may grant a reasonable amount of time for the grantee to reestablish compliance, under certain circumstances. The Senate bill does not contain such a provision. The Senate recedes.

In the House bill, the Secretary may waive the ''significant numbers'' requirement for an applicant who received a grant in fiscal year 1995 if the applicant is making a reasonable effort toward meeting this goal. The authority for the Secretary to issue this waiver expires on October 1, 1998, and waivers issued before October 1, 1998, expire on or before that date. The Senate bill does not contain such a provision. The Senate recedes with an amendment to provide that applicants must, not later than the end of the second fiscal year, meet the requirement that a significant number of women, infants, children, and youth participate in research projects.

The Conferees intend that the Secretary interpret the term ''significant number'' in a relative way. For grantees located in areas where there is access to many research activities, the ''significant number'' will be higher than for grantees located in more remote areas where research for women, infants, and children is less accessible. The Conferees intend that the Secretary take into account a variety of factors in determining ''significant numbers'', including: the number and type of clients serviced by the grantee, and the nature and availability of research programs accessible to patients of the grantee, and other factors the Secretary considers to be relevant.

The Senate bill includes a provision requiring submission of an application in such form as the Secretary determines is necessary. The House bill does not contain such a provision. The House recedes.

The House bill includes a section on Provisions Regarding Conduct of Research, allowing for the project of research to be conducted by the applicant or by an entity with

which the applicant has made arrangements. The Senate bill does not contain such a provision. The Senate recedes.

The House bill requires that the grant may not be expended for the conduct of any research project, that the research entity must be appropriately qualified to conduct the project, and that the research project must be in accordance with the priorities determined and listed by the Secretary in consultation with public and private research entities, providers and recipients of services under Part B. An entity shall be considered qualified if any research protocol of the entity has been recommended for funding under this Act pursuant to technical and scientific peer review through the National Institutes of Health. Under certain circumstances, the Secretary may give priority to a research protocol not on the list of high priority research. The Senate bill requires the Secretary to establish mechanisms, including an independent research review panel, to ensure that the research projects are of potential clinical benefit and meet accepted standards of research design. The Senate recedes with an amendment to allow grantees to fund services that facilitate and coordinate client access to comprehensive care services and research projects.

The Senate bill allows the Secretary to waive the requirements regarding coordination, statewide coordinated statement of need, and appropriate research opportunities if the applicant provides assurances that the requirements will be met by the end of the second grant year, or, in the case of existing grantees, within one year. The House bill does not contain such a provision. The Senate recedes.

The Senate bill contains a provision on Evaluations and Data Collection, requiring the Secretary to review the programs carried out under the section at the end of each fiscal year. The review may include recommendations on improving access to and participation in research protocols. The House bill does not contain such a provision. The House recedes with an amendment to title this section ''Review Regarding Access To And Participation in Programs;'' to require the review to be completed not later than 180 days after the end of the fiscal year; to state that the purpose of the review shall be to develop recommendations on procedures to allocate services and opportunities among patients of the entity and other procedures and policies of the entity regarding the participation of women, infants, children, and youth in research programs; and to require the Secretary to provide for evaluations of programs carried out by the entity.

The Senate bill allows the Secretary to establish reporting requirements necessary to administer the program and carry out the reviews, measure outcomes, and document clients served, services provided and participation in research protocols. The House bill does not contain such provisions. The Senate recedes.

The Senate bill includes a definition of qualified research entities and qualified research protocols. The House bill does not contain such a provision. The Senate recedes.

The House bill requires the Secretary to develop a plan that provides for the coordination of the activities of the National Institutes of Health (NIH) with the activities of this section, including that the projects of research conducted or supported by NIH are made aware of applicants and grantees of this section and that those projects as appropriate enter into arrangements for purposes of this section. The Senate bill does not contain such a provision. The Senate recedes.

The Conferees emphasize that Part D was enacted to provide funds for coordinated health and social services in association with voluntary participation in research programs. Such research will lead to a greater understanding of HIV disease among women, infants and children and to the development of preventive and therapeutic measures appropriate for those populations. The Conferees recognize that participation of children, youth, and pregnant women in HIV research programs is more successful when projects are convenient to women and children with HIV disease, when they are sensitive to needs for nontraditional services such as child care and transportation services, and when the opportunities to participate in research are provided within an established, comprehensive and community based HIV care system. For this reason, it is the intent of the Conferees that entities receiving grants under this program provide or arrange for innovative comprehensive HIV care for children, youth, women, and families with or affected by HIV.

It is the intent of the Conferees for this program to be flexible but to organize, coordinate and support a broad range of HIV services linking institutional and community-based providers. Grantees may provide a wide range of health services and may make referrals for, or provide services to, facilitate access to care.

16. AIDS DENTAL SCHOOL TRAINING

The House bill reauthorizes the current program and transfers it from Title 7 of the Public health Service Act to Title 26. The Senate bill does not reauthorize the program. The Senate recedes.

17. EVALUATION OF RYAN WHITE PROGRAMS

The House bill authorizes funding for the evaluation of Ryan White programs to come from the 1% Public Health Service set aside. The Senate bill does not contain such a provision. The Senate recedes.

18. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE

The Senate bill includes service delivery grants as special projects and describes those grants, which include programs that support family-based care networks critical to the delivery of care in minority communities and programs that build organizational capacity in disenfranchised communities. The House bill does not specifically define such grants. The House recedes with an amendment to replace the term ''disenfranchised communities'' with ''minority communities''.

19. AIDS EDUCATION AND TRAINING CENTERS

The House bill includes as an eligible activity the training of health providers in the prevention of perinatal HIV transmission and prevention and treatment of opportunistic infections. The Senate bill does not include such language. The Senate recedes.

By including the AIDS Education and Training Centers in the CARE Act reauthorization, the conferees reaffirm that this is an important federal program and will serve an important role in the future.

20. FORMULAS

The Senate bill distributes Part A funds to eligible metropolitan areas with a formula based only on weighted AIDS case counts. The Senate formula caps funding losses such that no eligible area will receive less than 98% of its FY 95 award in FY 96, 97% of its FY 95 award in FY 97, 95.5% of its FY 95 award in FY 98, 94% of its FY 95 award in FY 99, and 92.5% of its FY 95 award in FY 2000. The House bill uses the same weighted AIDS case count, but includes in its formula the Medicare Hospital Wage Index for each metropolitan area as a measure of service delivery cost. The House formula caps funding losses such that no eligible area will receive less than 99% of its FY 95 award in FY 96, 98% of its FY 95 award in FY 97, 97% of its FY 95 award in FY 98, 96% of its FY 95 award in FY 99, and 95% of its FY 95 award in FY 2000. The House recedes with an amendment to replace the Senate funding loss caps with losses such that no eligible area will receive less than 100% of its FY 95 award in FY 96, 99% of its FY 95 award in FY 97, 98% of its FY 95 award in FY 98, 96.5% of its FY 95 award in FY 99, and 95% of its FY 95 award in FY 2000.

The conferees feel that the formula changes for Part A, including the hold harmless provisions, adequately respond to the geographic diversification of the epidemic while simultaneously protecting against major disruptions in service delivery. The Committee understands that the formula changes will reduce the amount of supplemental funds that have been traditionally available to all Part A grantees because supplemental funds will be used to fund the hold harmless provisions. The Committee further understands that this reduction in the availability of supplemental funds could result in resource shifts beyond those built into the revised formula depending on the quality of the supplemental application as determined by the review process.

The Senate bill distributes Part B funds to states based on a formula that calculates two distribution factors: the state factor, based on weighted AIDS case counts for each state and the non-EMA factor based on weighted AIDS case counts for areas within the state outside of Part A eligible areas. Each of these distribution factors is weighted equally. The Senate bill also includes a provisions to cap funding losses such that no state will receive less than 98% of its FY 95 award in FY 96, 97% of its FY 95 award in FY 97, 95.5% of its FY 95 award in FY 98, 94% of its FY 95 award in FY 99, and 92.5% of its FY 95 award in FY 2000. The House bill retains the Part B formula contained in current law and sets aside 7% of available funds for distribution to states without Part A eligible areas, based on the relative case counts within those states. The House recedes with an amendment to weight the state factor in the Senate formula by a constant of .8 and the non-EMA factor by a constant of .2, and to substitute the Senate loss caps with the same loss caps used in the House version of the Part A formula.

Neither the House bill nor the Senate bill contained a provision allowing for the adjustment of the weights used to determine the estimate of living AIDS cases over the required 120 month period, in either the Part A or Part B formulas. The Conferees feel that such an adjustment may be necessary over time as life expectancy and disease progression changes for people living with AIDS. Therefore the Conferees expect the Secretary, in consultation with the Centers for Disease Control, to evaluate the need to update those weights every two years beginning with the grant awards in FY 1998 and report to the appropriate congressional committees.

The Conferees intend that if funds are appropriated specifically for the Drug Assistance Program, such funds be allocated according to the states entire weighted case counts.

21. SINGLE APPROPRIATION

Under the Senate bill, after one year, if the Secretary is unable to devise a methodology to adjust the split in the single appropriation between Parts A and B, the single appropriation reverts to two separate appropriations, beginning in FY 1997. Under the House bill, the single appropriation and the 64%/36% split between the two Parts remains

in effect over the entire reauthorization period. The Secretary has the discretion to adjust the apportionment of the single appropriation between the two Parts. The House recedes with an amendment that, by July 1, 1996, the Secretary devise the methodology or recommend that such a methodology is not feasible. In addition, the appropriation committee will determine the relative allocation of funds for Part A and Part B for fiscal year 1996.

22. PERINATAL TESTING

The Senate bill mandates that states with an incidence of HIV among childbearing women of .25 or greater or an estimated number of births to HIV positive women in 1993 of 175 or greater have in effect regulations implementing the guidelines issued by the Centers for Disease Control (CDC) concerning voluntary HIV testing and counseling for pregnant women. The House bill does not contain such a provision. The House recedes with an amendment to require all states to implement the CDC guidelines.

In the Senate bill, for states providing such certification, $10 million in grant funds are made available to implement the CDC guidelines, to provide outreach to at-risk pregnant women and to make available appropriate counseling and voluntary testing. The House bill makes available $10 million in grants for states to offer HIV testing and counseling to pregnant women, to test newborns for HIV, and to collect data on pregnant women and newborns who have undergone HIV testing. In order to be eligible for these grants, the state by statute or regulation must require that all newborns whose biological mother has not undergone prenatal testing for HIV, be tested for HIV at birth and that the results be made available to the biological mother or guardian of the infant. The House recedes with an amendment to restrict access to these funds to states that have implemented the CDC guidelines and to prioritize the $10 million to those states with high HIV seroprevalence rates among childbearing women.

In the Senate bill, the Secretary is required to evaluate the effect of these grants on reducing the perinatal transmission of HIV. In the House bill, in two years, if the Secretary establishes that testing newborns for HIV has become routine practice in the provision of health care, states, by regulation or statute, must require such testing of newborns and notification to the mother or guardian in order to receive Ryan White Part B funds. Alternatively, states can demonstrate that of newborns in the state, the HIV status of 95% of the infants is known. The House recedes with an amendment to require the following.

(1) Within four months of enactment of this Act, the CDC, in consultation with states, will develop and implement a reporting system for states to use in determining the rate of new cases of AIDS resulting from perinatal transmission and the possible causes for that transmission.

The Secretary of HHS is directed to contract with the Institute of Medicine to conduct an evaluation of the extent to which state efforts have been effective in reducing perinatal transmission of HIV and an analysis of the existing barriers to further reduction in such transmission. The Secretary shall report these findings to Congress along with any recommendation made by the Institute.

(2) Within two years following the implementation of such a system, the Secretary will make a determination whether mandatory HIV testing of all infants born in the U.S. whose mothers have not undergone prenatal HIV testing has become a routine practice. This determination will be made in consultation with states and experts. If the Secretary determines that such mandatory testing has become a routine practice, after an additional 18 month period, a state will not recieve Title 2 Ryan White funding unless it can demonstrate one of the following:

(A) A 50% reduction (or a comparable measure for low-incidence states) in the rate of new AIDS cases resulting from perinatal transmission, comparing the most recent data to 1993 data;

(B) At least 95% of women who have received at least two prenatal visits with a health care provider or provider group have been tested for HIV; or

(C) A program for mandatory testing of all newborns whose mothers have not undergone prenatal HIV testing.

The House bill requires states by statute or regulation to prohibit health insurance companies from discontinuing coverage for a person solely on the basis that the person is infected with HIV or that the individual has been tested for HIV. The Senate bill does not contain such a provision. The Senate recedes with an amendment that only states which implement mandatory testing of newborn infants be required to implement such insurance regulations. The conferees intend for these insurance provisions to augment, and in no way diminish, existing federal or state law.

The House bill requirements on insurance regulations do not apply to persons who knowingly misrepresent their HIV status, facts regarding whether the person has been tested for HIV, and facts regarding whether the person has engaged in any behavior that places the person at risk for HIV. The Senate recedes with an amendment to delete the last two exemptions on testing and behavior.

The Conferees wish to emphasize that nothing in this provision should be construed to mean that states are required to implement HIV reporting.

23. SPOUSAL NOTIFICATION

The Senate bill prohibits the Secretary from making any grant under the Act to any state, political subdivision of any state, or other recipient of CARE Act funds within the state unless the state requires a good faith effort to notify the spouses of AIDS-infected patients that the patients are infected with HIV. The House bill does not contain such a provision. The House recedes with an amendment to tie the provision to Part B funds only, change ''AIDS-infected patient'' to ''known HIV-infected patient'', replace ''such AIDS infected patients is infected with the human immunodeficiency virus'' with ''he or she may have been exposed to the human immunodeficiency virus and should seek testing,'' define HIV-infected as any person diagnosed with the human immunodeficiency virus, and change the definition of spouse to mean a current marriage partner or a person that was the marriage partner at any time within the ten years prior to the diagnosis of HIV infection.

The Conferees wish to emphasize that nothing in this provision should be construed to require states to implement HIV name reporting.

24. STUDY ON ALLOTMENT FORMULA

The Senate bill requires the Secretary to conduct a study of the funding formulas contained in the Act and submit a report to Congress. The House bill does not contain such a provision. The Senate recedes.

25. PROHIBITIONS ON THE USE OF FEDERAL FUNDS AND PROMOTION OF CERTAIN ACTIVITIES

The Senate bill prohibits funds appropriated under the Act from being used to promote or encourage, directly or indirectly, homosexuality or intravenous drug use. The House bill does not contain such a prohibition or definition. The Senate recedes.

The Senate bill prohibits funds appropriated under the Act from being used to develop materials designed to promote or encourage directly intravenous drug use or sexual activity, whether homosexual or heterosexual. The House bill does not contain such a provision. The House recedes.

26. OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING

The Senate bill prohibits the federal government from requiring any employee to attend or participate in an AIDS or HIV training program if the employee refuses to participate. The House bill does not contain such a provision. The House recedes with an amendment that exempts from this provision federal training programs necessary to protect the health and safety of federal employees and those they serve.

This provision is intended to apply to those employees whose position requires knowledge of the universal precautions for the prevention of the transmission of the HIV virus.

27. LIMITATION ON APPROPRIATIONS

The Senate bill requires that of the total amounts of Federal funds expended in any fiscal year, funds expended for AIDS and HIV activities not exceed the amounts expended for activities related to cancer. The House bill does not contain such a provision. The House recedes.

The Conferees wish to make clear that the term ''total amounts'' includes all research, treatment and prevention funding, including amounts expended through the Medicare and Medicaid programs, wherhe administered by the federal government or paid to states in block grants.

TOM BLILEY,
MICHAEL BILIRAKIS,
TOM COBURN,
HENRY A. WAXMAN,
GERRY STUDDS,
Managers on the Part of the House.

NANCY LANDON KASSEBAUM,
JIM JEFFORDS,
BILL FRIST,
EDWARD M. KENNEDY,
CHRISTOPHER J. DODD,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MOLINARI (at the request of Mr. ARMEY) for today and the balance of the week, on account of maternity leave.

Mr. KINGSTON (at the request of Mr. ARMEY) for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UNDERWOOD) to revise and extend their remarks and include extraneous material:)

Mr. UNDERWOOD, for 5 minutes, today.
Mr. TOWNS, for 5 minutes, today.
Mr. FROST, for 5 minutes, today.
Mr. MARKEY, for 5 minutes, today.
Mr. LIPINSKI, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Ms. FURSE, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, each day, today and on May 1 and 2.

Mr. HUNTER, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania, for 5 minutes, on May 1.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, each day, today and on May 1 and 2.

Mr. GUTKNECHT, for 5 minutes, each day, today and on May 1.

Mr. MCINTOSH, for 5 minutes, on May 2.

Mr. METCALF, for 5 minutes, today.

Mr. WELDON, for 5 minutes, today.

Mr. SHADEGG, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to review and extend remarks was granted to:

(The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:)

Mr. HAMILTON.

Mr. BONIOR.

Mr. MANTON.

Mrs. MALONEY in two instances.

Mr. SCHUMER.

Mr. TOWNS.

Mr. LIPINSKI in two instances.

Mr. REED.

Mr. PAYNE of New Jersey.

Mr. POSHARD.

Mr. HASTINGS.

Mr. MONTGOMERY.

Mr. GORDON in 10 instances.

Mr. HALL of Ohio.

Mrs. MEEK of Florida.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Mr. DORNAN.

Mr. DAVIS in two instances.

Mr. PORTMAN.

Mr. BURTON of Indiana.

Mr. HAYWORTH.

Mr. BAKER of California.

Mr. SOLOMON.

Mr. KINGSTON.

Mr. WELDON of Pennsylvania.

Mr. COLLINS of Georgia.

Mr. FOX of Pennsylvania.

(Mr. RANGEL, during morning business, tribute to SAM GIBBONS, in the House today.)

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On April 25, 1996:

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.

On April 30, 1996:

H.R. 956. An act to establish legal standards and procedures for product liability litigation, and for other purposes.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 1, 1996, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2646. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order; Suspension of Late Payment Charges (FV–96–702 IFR) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2647. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 1996–97 Marketing Year (FV–96–985–1 IFR) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2648. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Grading and Inspection, General Specification for Approved Plants and Standards for Grades of Dairy Products; United States Standards for Grades of Monterey Jack Cheese (DA–91–010B) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2649. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's interim rule—Karnal Bunt (Amendment of Quarantined Areas Interim Rule) (Docket No. 96–016–5) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2650. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rules—(1) Export Certificates (Cyclical Review) (Docket No. 90–117–3), (2) National Poultry Improvement Plan and Auxiliary Provisions (Docket No. 94–091–2), (3) Imported fire ant (Docket No. 95–063–2), (4) Horses from Bermuda and the British VI; VEE Quarantine Requirements (Docket No. 95–052–2), and (5) Allow New Vaccine for Brucellosis (Docket No. 96–015–1) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2651. A letter from the Administrator, Food and Consumer Service, transmitting the Services's final rule—food Stamp Program: Failure to Comply with Federal, State, or Local Welfare Assistance Program Requirements (RIN: 0584–AC08) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2652. A letter from the Comptroller of the Currency, Department of the Treasury, transmitting the annual report on enforcement actions taken by the Office of the Comptroller of the Currency during the 12-month period ending December 31, 1995, pursuant to 12 U.S.C. 1833; to the Committee on Banking and Financial Services.

2653. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Supplemental Standards of Ethical Conduct for Employees of the Department of Housing and Urban Development (FR–3331) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2654. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Regulatory Reinvention; Tax Exemption of Obligations of Public Housing Agencies and Related Amendments (FR–3985) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2655. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Prohibition of Advance Disclosure of Funding; Accountability in the Provision of HUD Assistance (FR–3954) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2656. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Streamlining of the FHA Single Family Housing, Multifamily, and Multifamily Housing and Health Care Facility Mortgage Insurance Programs Regulations (FR–3966) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2657. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Revision of FHA Multifamily Processing and Fees (FR–3349) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2658. A letter from the Assistant Secretary for Elementary and Secondary Education, Department of Education, transmitting notice of Final Criteria for Consortium Incentive Grants for fiscal year 1996 and subsequent fiscal years—Title I, Part C—Education of Migratory Children, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2659. A letter from the Assistant Secretary for Educational and Improvement, Department of Education, transmitting notice of Selection Criteria, Selection Procedures, and Application Procedures—Challenge Grants for Technology in Education, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2660. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting notice of final priorities—Jacob K. Javits Gifted and Talented Students Education Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2661. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting notice of final priorities—Fund for the Improvement of Education Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2662. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final schedule of arbitration fees and expenses under the Randolph-Sheppard Act—Vending Facility Program for the Blind on Federal and Other Property, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

2663. A letter from the Director, Office of Communication and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's final rule—Coverage of Apprenticeship Programs Under the Age Discrimination in Employment Act [ADEA] received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

2664. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rules—(1) Valuation of plan benefits in single-employer plans; valuation of plan benefits and plan assets following mass withdrawal; amendments adopting additional PBGC rates, (2) Notice and collection of withdrawal liability; adoption of new interest rates, and (3) Late premium payments and employer liability underpayments and overpayments; interest rate for determining variable rate premium; amendments to interest rates—received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

2665. A letter from the Secretary, Consumer Product Safety Commission, transmitting the Commission's final rule—Requirements for Labeling of Retail Containers of Charcoal (16 CFR Part 1500) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2666. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rules—(1) Future Development of Paging Systems (WT Docket No. 96–18) and (2) Implementation of Section 309(j) of the Communication Act—Competitive Bidding (PP Docket No. 93–253) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2667. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Trade Regulation Rule: Labeling and Advertising of Home Insulation (16 CFR Part 460) (1996) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2668. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Pricing for Sales of Defense Articles (DFARS Case 96–D309) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2669. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the board's annual report for fiscal year 1995, pursuant to D.C. Code, section 1–174, 1981 edition; to the Committee on Government Reform and Oversight.

2670. A letter from the Agency for International Development, transmitting a report of activities under the Freedom of Information Act for the Calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2671. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2672. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rules—(1) Modifications of Existing Contracts (Far Case 94–723), (2) Application of Cost Accounting Standards Board Regulations to Educational Institutions (Far Case 95–002), (3) Assignment of Claims—Presidential Delegation (Far Case 94–767), and (4) Interest Clause Revisions (Far Case 92–045) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2673. A letter from the NARA Regulatory Policy Official, National Archives, transmitting the Archive's final rule—Preservation and Protection of and Access to the Presidential Historical Materials of the Nixon Administration; Amendment of Public Regulations (RIN: 3095–AA59) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2674. A letter from the Chairman, National Labor Relations Board, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2675. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Use of Private Sector Temporaries (RIN: 3206–AE80) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2676. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and State courts to permit the interception of wire, oral, or electronic communications during calendar year 1995, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

2677. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Premeger Notification; Reporting and Waiting Period Requirements (16 CFR Parts 801 and 802) (1996) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2678. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Amdt. No. 1724) (RIN: 2120–AA65) (1996–0008) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2679. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Amdt. No. 1725) (RIN: 2120–AA65) (1996–0007) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2680. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Temporary Establishment of Class D Airspace; Anchorage International Airport, Alaska [AK] (RIN: 2120–AA66) (1996–0010) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2681. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 Series Airplanes (Excluding Model A300 and Model A30-0 F4–600 Series Airplanes) (RIN: 2120–AA64) (1996–0012) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2682. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Diamond Aircraft Industries Model DA 20–A1 Airplanes; Docket No. 96–CE–21–AD (RIN: 2120–AA64) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2683. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Brackedtt Aircraft Company; Air Filter Gaskets, superseding Docket No. 95–CE–61–AD (RIN: 2120–AA64) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2684. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Incentive Grant Criteria for Alcohol Traffic Safety Programs (RIN: 2127–AG22) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2685. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in Accounting Periods and in Methods of Accounting (Revenue Procedures 96–31) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2686. A letter from the Chief Regulations Unit, Office of Assistant Chief Counsel (Domestic), Internal Revenue Service. transmitting the Service's final rule—Withholding and Reporting of Certain Income Paid to Foreign Persons (Announcement 96–23) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2687. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Safe Harbor for Organizations that Provide Low-Income Housing To Be Considered Charitable as described in section 501(c)(3) of the Internal Revenue Code (Revenue Procedure 96–32) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2688. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Relief from Filing Form 3115 for a Change in Methods of Accounting Required by Statement of Financial Accounting Standards No. 116 (Notice 96–30) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2689. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Revenue Ruling 96–24) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2690. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Suspension of United States-Canada Free-Trade Agreement Implementing Regulations (RIN: 1515–AB93) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. YOUNG of Alaska: Committee on Resources. H.R. 3286. A bill to help families defray adoption costs, and to promote the adoption of minority children; with an amendment (Rept. 104–542, Pt. 1). Ordered to be printed.

Ms. PRYCE: Committee on Rules. House Resolution 418. Resolution providing for consideration of the bill (H.R. 2641) to amend title 28, United States Code, to provide for appointment of U.S. marshals by the Director of the U.S. Marshals Service (Rept. 104–543). Referred to the House Calendar.

Mr. QUILLEN: Committee on Rules. House Resolution 419. Resolution providing for consideration of the bill (H.R. 2149) to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes (Rept. 104–544). Referred to the House Calendar.

Mr. BLILEY: Committee of Conference. Conference report on S. 641. An act to reauthorize the Ryan White CARE Act of 1990, and for other purposes (Rept. 104–545). Ordered to be printed.

DISCHARGE OF COMMITTEES

Pursuant to clause 5 of rule X the following action was taken by the Speaker: The Committee on Economic and Educational Opportunities discharged from further consideration; H.R. 3286 referred to the Committee of the Whole House on the State of the Union.

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. FATTAH (for himself, Mr. ROMERO-BARCELO, Mr. FILNER, Mr. HASTINGS of Florida, Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Ms. NORTON, Mr. THOMPSON, and Mr. TOWNS):

H.R. 3349. A bill to amend the Housing and Community Development Act of 1974 and the Federal Home Loan Bank Act to authorize Federal Home Loan Banks to make advances for community development activities to units of general local government and for such advances to be guaranteed by community development block grants amounts to which such units of local government become eligible, to expand the community participation requirements relating to community development loan guarantees to include participation of major community stakeholders, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BARRETT of Nebraska (for himself, Mr. ROBERTS, Mr. BEREUTER, and Mr. CHRISTENSEN):

H.R. 3350. A bill to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes; to the Committee on Resources.

By Mr. FOGLIETTA (for himself, Mr. BONIOR, Mr. WAXMAN, Ms. MCKINNEY, Mr. RAHALL, Mr. KLECZKA, Mr. WATT of North Carolina, Mr. MINGE, Mr. MORAN, Mr. LANTOS, Mr. KENNEDY of Massachusetts, Mr. COLEMAN, Ms. NORTON, Mr. BARRETT of Wisconsin, Mr. EVANS, Ms. RIVERS, Mr. FILNER, Mr. DEUTSCH, Mr. SERRANO, Mr. LIPINSKI, and Mr. HINCHEY):

H.R. 3351. A bill to establish a Corporate Independence Commission, for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, 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 concern.

By Mr. HASTINGS of Florida:

H.R. 3352. A bill to award a congressional gold medal to representatives of Varian Fry in recognition of the tremendous effort he made at great personal risk to secure the escape of thousands of trapped Jewish artists, writers, and intellectuals from the Nazis in Europe and the greatly detrimental treatment he received at the hands of the U.S. Government as a result; to the Committee on Banking and Financial Services.

H.R. 3353. A bill to establish a commission to study employment and economic insecurity in the workforce in the United States; to the Committee on Economic and Educational Opportunities.

By Mr. HAYWORTH:

H.R. 3354. A bill to provide for the reorganization of the Bureau of Indian Affairs, and for other purposes; to the Committee on Resources.

By Mr. HINCHEY:

H.R. 3355. A bill to require Medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice, to protect employees of Medicare providers who report concerns about the safety and quality of services provided by Medicare providers or who report violations of Federal or State law by those providers, and to require review of the impact on public health and safety of proposed mergers and acquisitions of Medicare providers; 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. JOHNSON of South Dakota (for himself and Mr. LIGHTFOOT:

H.R. 3356. A bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY:

H.R. 3357. A bill to amend title II of the Social Security Act to provide for an increase of up to 5 in the number of years disregarded in determining average annual earnings on which benefit amounts are based upon a showing of preclusion from renumerative work during such years occasioned by need to provide child care or care to a chronically dependent relative; to the Committee on Ways and Means.

H.R. 3358. A bill to amend title II of the Social Security Act to repeal the 7-year restriction of eligibility for widow's and widower's insurance benefits based on disability; to the Committee on Ways and Means.

H.R. 3359. A bill to amend title II of the Social Security Act to provide for increases in widow's and widower's insurance benefits by reason of delayed retirement; to the Committee on Ways and Means.

H.R. 3360. A bill to amend title II of the Social Security Act to eliminate the 2-year waiting period for divorced spouse's benefits following the divorce; to the Committee on Ways and Means.

H.R. 3361. A bill to amend title II of the Social Security Act to provide for full benefits for disabled widows and widowers without regard to age; to the committee on Ways and Means.

By Mrs. MALONEY:

H.R. 3362. A bill to increase access of State child support enforcement agencies to certain financial information of noncustodial parents, and to encourage States to improve their enforcement of child support obligations; to the Committee on Ways and Means, and in addition to the Committee on 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. MCDADE:

H.R. 3363. A bill to establish within the Department of the Navy a mission to enhance and increase knowledge of the oceans; to the Committee on National Security.

H.R. 3364. A bill to designate a U.S. Courthouse in Scranton, PA, as the ''William J. Nealon United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. MCINNIS:

H.R. 3365. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park, to establish the Gunnison Gorge National Conservation Area, to establish the Curecanti National Recreation Area, to establish the Black Canyon of the Gunnison National Park Complex, and for other purposes; to the Committee on Resources.

H.R. 3366. A bill to direct the Secretary of Interior to convey the Collbran reclamation project to the Ute Water Conservancy District and the Collbaran Conservancy District; to the Committee on Resources, 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. SCHUMER:

H.R. 3367. A bill to amend the National Highway System Designation Act of 1995 to increase the number of States that may participate in the State infrastructure bank pilot program authorized by that act; to the Committee on Transportation and Infrastructure.

By Mr. STEARNS:

H.R. 3368. A bill to permit retired members of the Armed Forces and their dependents who are entitled to Medicare to enroll in the Federal Employees Health Benefits Program; to the Committee on National Security, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 3369. A bill to provide notice to employees when there are reductions in business operations and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. MCDADE:

H.J. Res. 177. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. LEWIS of Kentucky (for himself and Mr. MONTGOMERY):

H. Con. Res. 168. Concurrent resolution calling upon the members of the Army Reserve to wear army uniforms on April 23 each year and calling upon the American people to remember the members of the Army Reserve and those who support them; to the Committee on National Security.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALLAHAN:

H.R. 3370. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Top Gun;* to the Committee on Transportation and Infrastructure.

By Mr. GRAHAM:

H.R. 3371. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade vessel *White Wing*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. QUINN.

H.R. 248: Mr. THORNBERRY.

H.R. 528: Ms. DELAURO.

H.R. 580: Mr. BOEHLERT.

H.R. 620: Mr. BECERRA.

H.R. 739: Mrs. MYRICK.

H.R. 789: Mr. SPRATT.

H.R. 873: Mrs. CUBIN and Mr. KENNEDY of Massachusetts.

H.R. 969: Mr. MANZULLO.

H.R. 973: Mr. LATOURETTE.

H.R. 1005: Mr. MARTINI.

H.R. 1023: Ms. SLAUGHTER, Mr. CHAMBLISS, and Mr. JACKSON.

H.R. 1161: Mr. FUNDERBURK.

H.R. 1210: Mr. BARCIA of Michigan.

H.R. 1227: Mr. ARCHER.

H.R. 1507: Mr. OLVER.

H.R. 1618: Ms. GREENE of Utah.

H.R. 1713: Mr. WATTS of Oklahoma and Mr. MONTGOMERY.

H.R. 1758: Mr. RANGEL and Mr. FILNER.

H.R. 1776: Mr. WALKER, Mr. NEAL of Massachusetts, Mr. MANTON, Mr. ROMERO-BARCELO, Mr. STARK, Mr. SOLOMON, Ms. ESHOO, and Mr. WHITFIELD.

H.R. 2026: Mr. GREEN of Texas, Miss COLLINS of Michigan, Mrs. THURMAN, Mr. PETERSON of Minnesota, Mrs. COLLINS of Illinois, Mr. WISE, Mr. TOWNS, Ms. SLAUGHTER, Mr. SANDERS, Mr. STENHOLM, and Ms. DELAURO.

H.R. 2178: Mrs. MALONEY.

H.R. 2244: Mr. CAMP and Mr. HUTCHINSON.

H.R. 2246: Mr. FLAKE.

H.R. 2270: Mr. KIM.

H.R. 2285: Mr. STUMP, Mr. FUNDERBURK, Mr. PETE GEREN of Texas, Mr. ROHRABACHER, Mr. ROMERO-BARCELO, and Mr. HAYES.

H.R. 2320: Mr. TORRICELLI, Mr. PORTER, Mr. SCHAEFER, Ms. GREENE of Utah, Mr. CRANE, Mr. TATE, and Mr. LATHAM.

H.R. 2472: Mr. HILLIARD, Mr. DIXON, Mr. MCDERMOTT, Mr. SABO, Ms. PRYCE, Mr. ORTON, Ms. MCKINNEY, and Mr. DICKS.

H.R. 2497: Mr. WELDON of Florida, Mr. NORWOOD, Mr. BARR, and Mr. BOEHNER.

H.R. 2579: Mr. MCHUGH, Mr. FUNDERBURK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. NORWOOD.

H.R. 2682: Mr. MANTON.

H.R. 2723: Mr. SHADEGG.

H.R. 2779: Mr. CRAPO, Mr. HASTERT, and Mr. MONTGOMERY.

H.R. 2875: Mr. ENGLISH of Pennsylvania.

H.R. 2892: Mr. PORTER and Mr. DELLUMS.

H.R. 2893: Mr. CRAMER.

H.R. 2932: Mrs. CLAYTON, Mr. TAYLOR of North Carolina, and Mr. THORNBERRY.

H.R. 2951: Mr. BRYANT of Texas.

H.R. 2994: Mr. JACOBS and Mr. CARDIN.

H.R. 3008: Mrs. CUBIN, Mr. WELLER, Mr. HORN, and Mr. KENNEDY of Massachusetts.

H.R. 3081: Mr. SCOTT, Mr. PASTOR, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. VELAZQUEZ, Mr. TEJEDA, Mr. DE LA GARZA, Mr. ORTIZ, Mr. ROMERO-BARCELO, Mr. FILNER, and Mr. DURBIN.

H.R. 3089: Mr. HINCHEY, Mrs. CLAYTON, Ms. NORTON, and Mr. CAMPBELL.

H.R. 3118: Mr. LINDER, Mr. WELLER, Mr. MCCRERY, Mr. GILMAN, Mr. FLAKE, and Mr. DOYLE.

H.R. 3119: Mr. FLAKE.

H.R. 3142: Mr. FLANAGAN, Mrs. THURMAN, Mr. SCHIFF, Mr. WAMP, Mr. KOLBE, Mr. TATE, Mr. CONDIT, Mr. LAFALCE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLUTE, Mr. CUNNINGHAM, Mr. FILNER, Mr. GOODLATTE, Mr. UNDERWOOD, Mr. DURBIN, Mr. HAYWORTH, and Mr. BOEHLERT.

H.R. 3144: Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARR, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BONILLA, Mr. BONO, Mr. BRYANT of Tennessee, Mr. BUNNING of Kentucky, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CALLAHAN, Mr. CANADY, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRYSLER, Mr. CLINGER, Mr. COBURN, Mr. COLLINS of Georgia, Mr. COX, Mr. CRAPO, Mr. CREMEANS, Mr. CUNNINGHAM, Mr. DELAY, Mr. DICKEY, Mr. DORNAN, Ms. DUNN of Washington, Mr. EMERSON, Mr. EHRLICH, Mr. EVERETT, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FUNDERBURK, Mr. GEKAS, Mr. GILLMOR, Mr. GRAHAM, Ms. GREENE of Utah, Mr. HANSEN, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HOBSON, Mr. HORN, Mr. HOSTETTLER, Mrs. JOHNSON of Connecticut, Mr. JONES, Mr. KIM, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAHOOD, Mr. LARGENT, Mr. LAUGHLIN, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LONGLEY, Mr. LUCAS, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCKEON, Mr. MANZULLO, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Mr. MOORHEAD, Mr. MYERS of Indiana, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NORWOOD, Mr. PACKARD, Mr. ROTH, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SHAW, Mr. SKEEN, Mr. SOLOMON, Mr. SOUDER, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. THORNBERRY, Mr. TIAHRT, Mrs. VUCANOVICH, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, Mr. YOUNG of Alaska, and Mr. ZELIFF.

H.R. 3172: Ms. ROYBAL-ALLARD, Mr. SAXTON, and Mr. WALSH.

H.R. 3173: Mr. ACKERMAN.

H.R. 3199: Mr. MOORHEAD, Mr. MYERS of Indiana, Mr. ROHRABACHER, Mr. LARGENT, Mr. WHITFIELD, Mr. COBLE, Mr. PETE GEREN of Texas, Mr. FAZIO of California, Mr. PETERSON of Minnesota, Mr. JONES, Mr. TAYLOR of North Carolina, Mr. BALLENGER, Mr. HEFNER, Mr. KOLBE, Mr. THORNBERRY, Mr. BLILEY, Mr. CRAPO, Mr. BOEHNER, Mrs. KELLY, Mr. FRANKS of Connecticut, Mr. MANTON, Mr. BARTLETT of Maryland, Mr. TORKILDSEN, Mr. STUMP, Mr. GILMAN, Mr. WHITE, Mr. ZIMMER, Mr. HAYES, Mr. BOUCHER, Mr. DELAY, Mr. SOLOMON, Mrs. VUCANOVICH, Mr. GRAHAM, Mr. GALLEGLY, Mr. WELDON of Pennsylvania, Mr. WALKER, Mr. GEKAS, Mr. GOODLING, Mr. DEAL of Georgia,Mr. KINGSTON, Mr. WICKER, Mr. GUTKNECHT, Mr. INGLIS of South Carolina, Mr. FRELINGHUYSEN, Mr. CHRYSLER, Mr. SOUDER, Mr. CHRISTENSEN, Mrs. MYRICK, Mrs. SEASTRAND, Mr. HASTINGS of Washington, Mr. RADANOVICH, Mr. OBERSTAR, Mr. STENHOLM, Mr. LATOURETTE, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. MILLER of Florida, and Mr. FOLEY.

H.R. 3201: Mr. MOORHEAD, Mr. ROHRABACHER, Mr. LARGENT, Mr. WHITFIELD, Mr. COBLE, Mr. PETERSON of Minnesota, Mr. JONES, Mr. TAYLOR of North Carolina, Mr. BALLENGER, Mr. KOLBE, Mr. THORNBERRY, Mr. BLILEY, Mr. CRAPO, Mr. BOEHNER, Mrs. KELLY, Mr. FRANKS of Connecticut, Mr. BARTLETT of Maryland, Mr. TORKILDSEN, Mr. GILLMOR, Mr. WHITE, Mr. ZIMMER, Mr. DELAY, Mr. SOLOMON, Mrs. VUCANOVICH, Mr. GALLEGLY, Mr. WELDON of Pennsylvania, Mr. WALKER, Mr. GEKAS, Mr. GOODLING, Mr. DEAL of Georgia, Mr. WICKER, Mr. GUTKNECHT, Mr. INGLIS of South Carolina, Mr. CHRYSLER, Mr. CUNNINGHAM, Mr. MILLER of Florida, Mr. SOUDER, Mr. STUMP, Mrs. MYRICK, Mr. HASTINGS of Washington, Mr. OBERSTAR, Mr. STENHOLM, and Mr. FOLEY.

H.R. 3207: Mr. PETRI, Mr. BRYANT of Texas, Mrs. LINCOLN, Mr. NORWOOD, Mr. KLUG, Mr. OXLEY, Mr. GREENWOOD, Mr. MCNULTY, Mr. STUPAK, and Mr. ROBERTS.

H.R. 3217: Mr. SAWYER and Mr. BROWNBACK.

H.R. 3224: Mr. HORN and Mr. QUINN.

H.R. 3226: Ms. ESHOO.

H.R. 3234: Mr. DELAY, Mr. COMBEST, Mr. COBLE, Mr. HEFLEY, Mr. BEREUTER, Mr. FAWELL, Mr. ZELIFF, Mr. KNOLLENBERG, Mr. CRANE, Mr. CUNNINGHAM, Mr. SAM JOHNSON, Mr. BONO, Mr. LATHAM, Mr. HERGER, Mr. COLLINS of Georgia, Mr. GUNDERSON, and Mr. HAYWORTH.

H.R. 3246: Mr. KANJORSKI, Mr. MORAN, and Mr. BRYANT of Texas.

H.R. 3247: Mr. DIXON, Ms. WOOLSEY, Mr. MONTGOMERY, Mr. LEVIN, Mr. COSTELLO, Mrs. MEEK of Florida, Mr. JACOBS, Mr. WARD, Mrs. CLAYTON, Mr. FAZIO of California, Ms. ESHOO, Mr. FROST, Mr. FRAZER, Mr. DOYLE, Ms. JACKSON-LEE of Texas, Mr. FARR, Mr. FALEOMAVAEGA, and Ms. LOFGREN.

H.R. 3251: Mr. JOHNSON of South Dakota, and Mr. BREWSTER.

H.R. 3253: Mr. SOLOMON, Mr. MATSUI, Mr. TRAFICANT, Mr. ROMERO-BARCELO, Mr. HUNTER, Mr. TANNER, Mr. HANCOCK, Mr. HORN, Mr. FRANK of Massachusetts, Mr. JACOBS, Mr. GONZALEZ, Mr. FRAZER, Mr. FROST, Mr. JOHNSON of South Dakota, Mr. BREWSTER, Mr. CRANE, Mr. MANTON, Mr. PASTOR, Mr. KENNEDY of Rhode Island, Mr. STOKES, Mr. MOAKLEY, Mr. ARCHER, Mr. HEFNER, and Mr. CONDIT.

H.R. 3275: Mr. BLUTE, Mr. MCHALE, Mr. CREMEANS, Mr. WOLF, Mr. RAMSTAD, Mr. HOBSON, Mr. SOLOMON, and Mr. FAWELL.

H.R. 3286: Mr. INGLIS of South Carolina.

H.R. 3294: Mr. ABERCROMBIE, Mr. MILLER of California, Mr. ACKERMAN, Ms. ESHOO, Mr. BROWN of California, and Mr. MANTON.

H.R. 3300: Mr. HOSTETTLER, Mr. LARGENT, Mr. TALENT, Mr. DUNCAN, and Mr. HEFLEY.

H. Con. Res. 10: Ms. RIVERS, Mr. MANTON, and Mr. SPRATT.

H. Con. Res. 47: Mr. SALMON, Mr. GANSKE, Mr. EHLERS, and Mr. FILNER.

H. Con. Res. 50: Mr. FUNDERBURK.

H. Con. Res. 83: Mr. JEFFERSON.

H. Con. Res. 139: Mr. KINGSTON.

H. Con. Res. 151: Mr. BECERRA, Mr. ROMERO-BARCELO, Mr. GREEN of Texas, Mr. FORD, Mr. BERMAN, Mr. RANGEL, Mrs. MINK of Hawaii, and Mr. DIAZ-BALART.

H. Con. Res. 154: Mr. STARK, Mr. PAYNE of Virginia, Mr. ACKERMAN, Mr. POMEROY, Mr. CLYBURN, Mr. MARTINEZ, Mr. HINCHEY, and Mr. WYNN.

H. Con. Res. 156: Ms. WOOLSEY.

H. Con. Res. 160: Mr. HALL of Ohio, Mr. CLINGER, Mr. FUNDERBURK, Mr. TORRICELLI, Mrs. MEEK of Florida, Mrs. LOWEY, Mr. ABERCROMBIE, Mr. ROHRABACHER, Mr. MCDADE, Mr. MATSUI, Mr. BEILENSON, Mrs. MORELLA, Mr. HORN, Mr. LEACH, Mr. WARD, Mr. MANZULLO, Mr. WOLF, Mr. KIM, Mr. EHRLICH, Mrs. KELLY, Mrs. SCHROEDER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RICHARDSON, Mr. TOWNS, Mr. MCDERMOTT, Mr. REED, Mr. WALSH, Mr. SOLOMON, Mr. LAFALCE, Ms. VELAZQUEZ, Ms. NORTON, Mr. FRELINGHUYSEN, Mr. GUNDERSON, Mr. OXLEY, Mr. HOBSON, and Mr. MCNULTY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rules XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of March 19, 1996]

H.R. 2745: Mr. RICHARDSON

[Submitted April 30, 1996]

H.R. 1972: Mr. METCALF.

H.R. 2951: Mr. BROWN of California.

PETITIONS, ETC.

Under clause 1 of rule XXII,

71. The SPEAKER presented a petition of Chief Ambassador and Consul General, Republic of Texas, relative to a copy of ''Diplomatic Notice of Perfection of International Relations Between the United States of America and the 'Republic of Texas' ''; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted to follows:

H.R. 2149

OFFERED BY: MR. OBERSTAR

AMENDMENT NO. 1: Page 10, line 23, strike ''(5)'' and insert ''(5)(A)''.

Page 11, line 7, strike the closing quotation marks and the final period.

Page 11, after line 7, insert the following:

''(B) Notwithstanding subparagraph (A), the essential terms of a contract entered into under this section shall be made publicly available electronically in a manner prescribed by the Commission. This subparagraph does not apply to service contracts dealing with bulk cargo, forest products, recycled metal scrap, waste paper, or paper waste.

''(C) For purposes of subparagraph (B), the essential terms of a contract shall include—

''(i) the origin and destination port ranges in the case of port-to-port movements, and the origin and destination geographic areas in the case of through intermodal movements;

''(ii) the commodity or commodities involved;

''(iii) the minimum volume;

''(iv) the line-haul rate;

''(v) the duration;

''(vi) service commitments; and

''(vii) the liquidated damages for nonperformance, if any.''.

Page 14, line 11, insert ''except as provided by section 8(b)(4)(B),'' after ''(B)''.

At the end of section 301(a) of the bill insert the following:

The Secretary of Transportation shall delegate such functions, powers, and duties to the Surface Transportation Board.

H.R. 2149

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: Page 24, line 15, strike ''United States carriers'' insert ''one or more ocean common carriers''.

H.R. 2149

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 3: Page 24, strike lines 19 through 24 and insert the following:

''(b)(1) The Secretary shall issue regulations by June 1, 1997, that prescribe procedures and requirements governing the submission of price and other information necessary to enable the Secretary to determine under subsection (g) whether prices charged by carriers are unfair, predatory, or anticompetitive.

''(2)(A) If information provided to the Secretary under this subsection does not result in a finding by the Secretary of a violation of this section or enforcement action by the Secretary, the information may not be made public and shall be exempt from disclosure under section 552 of title 5, United States Code, except for purposes of an administrative or judicial action or proceeding.

''(B) This paragraph does not prohibit disclosure to either House of the Congress or to a duly authorized committee or subcommittee of the Congress.''.

H.R. 2149

OFFEERED BY: MR. TRAFICANT

AMENDMENT NO. 4: At the end of title II, add the following new section:

SEC. 203. REPORT BY THE SECRETARY.

The Secretary shall report to the Congress by January 1, 1998, and annually thereafter, on—

(1) actions taken by the Secretary under the Foreign Shipping Practices Act of 1988 (46 App. U.S.C. 1710a) and section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708); and

(2) the effect on United States maritime employment of laws, rules, regulations, policies, or practices of foreign governments, and any practices of foreign carriers or other persons providing maritime or maritime-related services in a foreign country, that adversely affect the operations of United States carriers in United States oceanborne trade.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, TUESDAY, APRIL 30, 1996 No. 57

Senate

The Senate met at 9 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:

O God, our help in ages past, help us to be open to Your serendipities today. Grant that we may not allow our experience of You in the past to make us think that You are predictable or limited in what You can do today. Help us not to become so comfortable with the familiar that we miss the new things that You want to do in and through us and in our Nation.

Father, our life is so often filled with stress and pressure. We need Your help in keeping our hearts receptive to Your Word in the midst of all of the other words that clamor for our attention. May our constant question be: ''Is there any word from the Lord?''

Help us to have no other gods before You—neither our power, popularity, nor plans. Grant that we may value spiritual riches over material and give You first place in our hearts. With these priorities, bless us in our work today. In our Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Rhode Island is recognized.

SCHEDULE

Mr. CHAFEE. Mr. President, today there will be a period for morning business until the hour of 10 a.m. Immediately following morning business, the Senate will resume consideration of S. 1664, the immigration bill, and the pending Graham amendment. Additional amendments are expected to be offered during today's session. Therefore, Senators can expect rollcall votes throughout the day, possibly prior to 12:30. A cloture motion was filed to the immigration bill last night, and in accordance with rule XXII, Senators have until 12:30 today to file first-degree amendments to the bill. The Senate will recess between the hours of 12:30 and 2:15 for the weekly policy conferences to meet.

I thank the Chair.

I yield the floor.

MORNING BUSINESS

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

Mr. BREAUX addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Louisiana is recognized.

Mr. BREAUX. I thank the Chair. I will yield myself 5 minutes under that unanimous consent.

THE CENTRIST COALITION PROPOSAL

Mr. BREAUX. Mr. President, for colleagues who may be watching by their TV monitors, Senator CHAFEE and I have taken this time this morning to talk, once again, about the so-called Chafee-Breaux centrist coalition proposal, which I think is monumental legislation in that it presents to the Senate a way to achieve a balanced budget in a 7-year period and do so in a bipartisan fashion.

A lot of people have said that something of this nature cannot be accomplished in an election year. Our operations and the legislation that we offer proves that it can be done. We have met since October 1995, last year, on a regular basis, sitting down and discussing the difficult problems that are facing this Congress. It is very clear that the alternative of doing nothing is not a real alternative.

Unless we get a handle on entitlement spending, and unless we make major changes in the entitlement programs, our country is going to be in very, very serious trouble. The alternative, I think, is a bright future for this country and for our children. With a balanced budget, people see a number of benefits that are real, that are tangible, that affect their daily lives—lower interest rates on home mortgages, lower interest rates on car notes, more spendable money to spend at home on the things that families need in terms of education and health care.

We have presented a package for our colleagues to consider, and we hope that after reading our plan, they will join with us in a true bipartisan fashion and move on and enact a balanced budget in this Congress. It is not too late. It is only too late if we do nothing. It is absolutely critical that we take this step in this Congress.

I point out that here we talked about how close we are in the various proposals. There is much similarity in the administration's latest proposal and the proposal from the Republicans and the proposal from our centrist coalition, the Chafee-Breaux proposal. There is no reason that, with all of these things that we have already agreed on, we cannot take the next step and work out the differences that still exist.

All three proposals have a balanced budget using CBO numbers. We save between $600 and $700 billion over the life of this plan, and we do it while protecting the needs of the must vulnerable in our country—the people on Medicaid, Medicare, and welfare. So it is not to say that you cannot save between $600 and $700 billion and not at the same

time protect the most vulnerable in our population.

Our Medicare proposal is real reform. It is not just cutting Medicare, but it is real reform in a major way in the programs, giving beneficiaries more choices, which will increase the solvency of the trust funds. We make reductions in spending. It is not as much as some would like, but it is more than others would like. In Medicaid, we have worked with the Governors in a bipartisan fashion to come up with our Medicaid plan, which I think has gotten a lot of support from the Governors. Democratic Governors have said they would like this to be done. Republicans, I think, would agree with the direction we are moving in. It maintains flexibility and some of the standards. It is basically a Federal program working with the States.

Yes, there should be Federal standards about how the programs are going to be worked out. On welfare, as President Clinton said, a welfare reform bill should be tough on work but good for kids. Our plan does that. Our plan takes care of children. It provides more child funding for parents who are working, for child care and day care. At the same time, we have vouchers for children after their parents are terminated off of welfare. If the parents are able to work, they should work. Welfare cannot be a permanent way of life. We have time limits. We have a block grant to the States. Yes, there is more cooperation between the States and the Federal Government as to what they have to do.

Yes, we have a tax cut. Some say we need a $245 billion tax cut. Well, we have a real $105 billion tax cut, with $25 billion of loophole closings, which I think most people can agree to. We have a tax cut for families, $250 per child tax cut, which goes up to $500 per child if they invest in an individual retirement account in that child's name. We have reductions for education. This is a family friendly tax proposal in the sense that it helps working families. We have some alternative minimum tax relief, which many people will agree we should have. We have a capital gains tax cut, which we think is important to create economic incentives for individuals and for corporations in this country.

Finally, we have an adjustment in the Consumer Price Index. A lot of people said you cannot do that. Well, we have done that in a bipartisan fashion. Economists who are both Republican and Democrat have told us that the CPI, Consumer Price Index, which is the vehicle that is used to project all of the cost-of-living adjustments, is overstating what those adjustments should be.

So we have taken the step of saying we are going to have a reduction of five-tenths of 1 percent, one-half of 1 percent for 2 years and then three-tenths of 1 percent for the remaining years in our budget plan. That saves $110 billion. For a Social Security recipient, it means, instead of getting the normal increase, they would still get an increase in their benefits, but it would be approximately $3 less than they would normally get per month. But what it does is help save the system.

I suggest that most people who are on retirement programs would say it is important to save the system, not only for me as a selfish reason but for my children and my grandchildren, and we are asking everybody to have a more realistic adjustment in what their increases should be—still get an increase if the cost of living goes up, of course, but guaranteed, guaranteed in a better fashion because the system is going to be stronger. All of the retirement programs will be stronger and more solvent as a result of our Consumer Price Index adjustment. People will get an increase. The increase will be smaller than it might have been, but the principle is that the formula is incorrect, and we are trying to correct the formula. What is wrong with that?

So, Mr. President, let me reserve my time and conclude by saying that there is going to be an opportunity perhaps in the next couple of weeks to present our budget in this Chamber, to have our colleagues take a look at it and to, yes, vote for it because we think it truly represents the only bipartisan effort that has a real chance of passing and getting the job done.

Mr. CHAFEE addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I want to ask the Senator from Louisiana a couple of questions, if I might, on my time.

Mr. BREAUX. Sure.

Mr. CHAFEE. I should like to say to the distinguished Senator that I encounter fellow Senators who say, ''I'm all for your plan except I don't like the tax cut,'' or, ''I am all for your plan except I don't like that change in the Consumer Price Index,'' or, ''That's an excellent plan, but the Medicare number isn't the one I like.''

Now, my question to the Senator from Louisiana is, What other vehicle is going to be presented that fixes these problems? If they do not accept our proposal, the proposal of the distinguished Senator from Louisiana and I and this wonderful group of bipartisan Senators working with us, if they do not like that, what else has a chance at being enacted that is going to balance this budget, not only at the end of the seventh year but in the outyears as well?

Mr. BREAUX. If the Senator will yield for a response to the question, the Senator has outlined a formula for failure, a formula for disaster. If every Member comes up and says, ''I like what you have done except one little item,'' we will never get any agreement. The essence of the agreement on this issue is a compromise between those who want to do it all one way or all the other way. So, yes, there will be differences, as there was—and I know the Senator remembers this—in our own discussions. The Members said, ''It is a little too far in this direction,'' or, ''It is not far enough in that direction.''

What we have shown, however, is that you can come together in a bipartisan fashion and reach an agreement that gets the job done. I think it is a genuine compromise. That is the only way the job can get done.

Mr. CHAFEE. The distinguished Senator from Vermont is here and has some comments on this, and I know he has duties presiding in a few minutes, so I would like to yield whatever time he wishes.

Mr. JEFFORDS. I thank the Senator very much, my good friend from Rhode Island. I am pleased to be here again this morning to talk about the importance of adopting a balanced budget in this Congress.

As the speakers before me have outlined, it is extremely serious, and this may be the only opportunity we have now that we have a group of moderates who believe very strongly that there is a solution and that if we all sit down together and reason, we can have a balanced budget. I believe that very strongly.

The last time I spoke here, I spoke as a member of the Appropriations Committee and of the dire need with respect to the ability to appropriate to bring the entitlements under control. I suggested at that time that we had some difficult decisions to make in that regard. In particular, we have to look at the CPI and also we have to look at entitlements, especially those in the area of Medicaid and Medicare, to find ways to better handle them so that we do not continue the rapid increase we have in expenditures, which has made it imperative that we get together on a balanced budget.

Today I would like to speak to you as the chairman of the Senate Education Committee. Those of us who depend upon discretionary funds to accomplish those goals which we have set out look at the future and realize that with the increasing needs we have because of international competition in the area of education, there is no way we can reach those by depending upon our State and local governments to raise those funds, especially if you take a look at what the present trends show would be necessary to cut back on discretionary spending, especially the nonmilitary discretionary spending.

Let me briefly outline to you some of the dire consequences with respect to education.

On the one hand, we have recognized now for over a decade the incredible need we have to improve our educational system, in particular to meet the demands of international competition. Study after study has shown that if we do not change and improve our educational system, then in the next century the United States will no

longer be an economic power but will be a second-rate power.

What is the rationale and what are some of the reasons for that conclusion? First of all, international studies comparing our young people with those of other nations have shown that this country, which has been proud of its educational system, ranks dead last when it comes to the ability of our young people with respect to mathematics, with China, a growing economic power, being by far the leader with respect to education of its students in mathematics.

In addition, even a more horrible situation is the fact of the so-called forgotten half. The forgotten half are those individuals who are not college bound. We have not paid much attention to that group. In fact, studies that have been done by those who measure literacy found that half of our students who graduate from high school are functionally illiterate. That has to be turned around.

That is not even taking into consideration the fact that in some cases up to 30 percent of the students have already dropped out of high school. If you add those percentages together, you can see that this Nation's might with respect to education capacity is not there.

What do we do to change that? I am not one who would be up there to disagree with those who say you just cannot throw money at and improve education. That is a fact. What you cannot do is say you must cut back on education. Now we have suddenly gotten the message, at least from the people as well as from those who are discussing it, that cutting education is the poorest thing we can do.

But, again, I wish to point out that if we do not do something about balancing the budget, the impact upon discretionary spending is going to be so dramatic we cannot escape the fact we may have to start cutting back on education. That would put this Nation in dire peril. The public agrees with this; 86 percent say do not cut education, and 80 percent of those who said balance the budget said, yes, but do not cut education.

Congress heard that message this time, and we were able to escape. Due to the efforts of the Senator from Maine and others, we were able to stop, for instance, the tendency to seriously cut back on funding with respect to higher education. We were able to stop that and to keep it steady rather than having the dramatic cuts that were suggested by the other body.

In addition to that, the work of the senior Senator from Pennsylvania was very dramatic in the final analysis on the need not to cut back on education, and we finally recognized that we could not and we did not this time cut education. But the pressures in the future are going to be very dramatic.

Let me conclude by pointing out again there are dramatic needs in education that must be fulfilled. For instance, if we were to match what other countries do with respect to days spent in education—China spends 250 days a year in education; we spend 180, and all of the other nations, our international competition in Asia and Europe, average about 220 days—we would have to appropriate, in order to get even with the average, some $76 billion to spread over the States. That is just one example. I could go on.

Let me just stop and say we have an opportunity here through the leadership of Senator CHAFEE and Senator BREAUX to be able to bring into check the decrease in the spending of the discretionary funds which will be necessary if we do not adopt a plan such as theirs.

I commend them for their effort. I intend to work as hard as I can in order to bring the spending under control so that we do not have to have the negative impact upon education which we will have to have if we do not do so.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Rhode Island, Senator CHAFEE, is recognized.

Mr. CHAFEE. Mr. President, first I would like to thank the Senator from Vermont for his effective comments.

I notice the senior Senator from Pennsylvania is here. I would be glad to hear his views on this subject.

Mr. SPECTER addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Pennsylvania, Senator SPECTER, is recognized.

Mr. SPECTER. Mr. President, I thank the Chair. I thank my colleague from Rhode Island for yielding to me, and I congratulate him and the distinguished Senator from Louisiana, Senator BREAUX, for the tremendous amount of work and success which they have brought into a program for a 7-year balanced budget.

My sense is that with a centrist approach, which is represented by the charts which Senator BREAUX has spoken about and the one which is next to Senator CHAFEE, we can have a balanced budget, and we can do it with a scalpel and not with a meat ax.

The bill which we passed last week and which was signed by the President is illustrative, in my judgment, of what we can do if we really set our minds to it. I chair the Subcommittee on Labor, Health, Human Services and Education. And, as I have said on this floor, it has been an embarrassment to me that that bill could be brought to the floor at a much, much earlier time. I will not review the bidding as to why it could not be brought to the floor, but suffice it to say that there were riders which kept it from consideration by the Senate.

Then Senator HARKIN, the ranking member on the subcommittee, and I crafted an amendment to add $2.7 billion, significantly for education, but also for health, human services, and worker safety. That amendment passed the Senate by a vote of 84 to 16, which is obviously a very strong bipartisan showing.

We then went to conference with the House of Representatives. The very difficult part is finding the figures which will be signed by the President and which will be acceptable to the House of Representatives. We had 20 hours of negotiations over 2 days, and we finally worked it through on the House-Senate conference with the House conferees to bring it to a narrow 6-to-5 vote, but it was accomplished.

I believe that is indicative of what we can do with this centrist approach. It is my hope that this will be reduced to bill form and that we will put it forward.

I have urged my colleague, Senator CHAFEE, to bring the proposal to the floor and to bring it to a vote because I believe that there are many Senators, besides the 20 or so who have joined in these meetings, who would be willing to support it if it came to the Senate floor for a vote.

It is reminiscent of the tremendous job which the distinguished Senator from Rhode Island, Senator CHAFEE, did on health care back in 1992, 1993, and 1994. He had so many meetings in his office at 8:30 in the morning every Thursday that most of us should have been lessees. We should have paid rent over there.

One of the concerns that I had on the tremendous job which he did was that it never came to the floor for a vote under the time of pressure for which I think we would have enacted that bill. He did set the stage, I think, for those of us working with him, and under Senator CHAFEE's leadership, for the legislation which was passed last week, the KASSEBAUM-KENNEDY bill. This bill, which is targeted, did not have the problems of the administration's bill which was a complete revolution.

So that with this centrist approach, I think we have it. I hope we will bring it to the floor. I think it is the model for accommodation, and I am glad to be a part of the team.

Again, I thank my colleagues who yielded the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the senior Senator from Pennsylvania for his kind remarks and for the wonderful work and help which he has given us on this.

I would like to turn back, if I might, to the Senator from Louisiana because both of us have encountered, as I have previously mentioned, objections to specifics here. But this is not exactly unknown territory.

Let me suggest to the Senator from Louisiana that a bill went through this body which had high tax cuts. It did not have the corrections to it in the CPI. And that bill, as I recall, did not get enacted into law. In other words, one approach was tried which many people here say, ''Oh, we need more

taxes. We do not like this. You only have $130 billion in taxes. You ought to have $245 billion.'' OK. We tried that.

Am I correct in saying that?

Mr. BREAUX. The Senator is absolutely correct. We discussed and had heated discussions about the size of all of these reductions in spending as well as the size of the tax cut. But this is reflective of a genuine compromise reached between people of differing opinions. But it reflects, I think, the only way we can get the job done.

Mr. CHAFEE. So when those others say do it this way or do it that way, there is no other train leaving the station that I am aware of that is going to reach the terminal point successfully. In other words, the President has indicated that, and the Democratic leadership has indicated that they do not want high tax cuts.

Am I correct in that?

Mr. BREAUX. The Senator is correct. I think both sides have sort of polarized on whether to have a tax cut or not. But we have tried to listen to both sides and try to come up with a recommendation that meets the concerns of both sides but reflects a true compromise.

Mr. CHAFEE. That is the point that I would like to get across to our listeners and viewers—that it is easy to be critical. It is easy to say, ''oh, no. Do not fool with that CPI, that Consumer Price Index, and the Medicare figure is too high. We do not like what you have done on welfare. The Republican Governors do not like what you have done totally on welfare an area that has been mentioned before briefly.

We make some savings out of Medicare, or actually what we do is we reduce the rate of growth over the next 7 years. Medicare, unless something is done, is truly going to go broke.

People say, ''Oh, we have heard you people say that around here on this floor before.'' All right, let us just look and see what has happened. We have two recent reports. The New York Times reported last Tuesday that the Medicare hospital insurance trust fund—which is the fund that pays the hospital bills for the elderly—operated at a loss for the first 6 months of this current fiscal year. It fell short, the outflow as compared to the income, fell $4 billion short in that brief time.

So once upon a time we were bringing in more revenue than we were expending and we built up a surplus. Now the lines on the graph have crossed and the expenditures are exceeding the income. That is not going to change unless we do some things.

Yesterday's Washington Post reported the Congressional Budget Office now believes the Medicare trust fund will become insolvent in the year 2001. When we started on this exercise just a few months ago we thought it was going to go insolvent in 2002, so in just a few months we have seen the fiscal situation of the trust fund deteriorate by a year. So, unless something is done in this Medicare Program, along the lines that we have suggested, the Medicare trust fund, which pays the hospital costs of the elderly in this Nation, is going to go broke. That is something we ought to take very, very seriously.

I read a comment the other day in the newspaper where somebody said, ''Oh, don't believe that. We are going to take care of it.'' It is not easy to take care of some of these situations once the downward spiral starts and the expenses exceed the income. Once that starts there is really serious trouble ahead.

I would like to now touch briefly on the Consumer Price Index. The Consumer Price Index has clearly been overstated. What we do, as the Senator from Louisiana pointed out, in our group, we say let us state the Consumer Price Index accurately. So that is what we have done. That results, fortunately, in dramatic savings, not just over this 7-year period, but for the outyears as well. So, a key part of our proposal here is the recognition of the fact that the Consumer Price Index is overstated. We hope our fellow Senators, paying attention, listening and studying this situation, will come to the conclusion that we have, that it is essential to state the Consumer Price Index in an accurate form. That results, as I mentioned, in our calculations, of a $110 billion savings over the 7-year period with dramatic savings in the outyears, and which will mean, as the Senator from Louisiana briefly said, that Social Security and Medicare will be here in the future years.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I yield myself such time as I may consume.

I would like to ask a question of the distinguished Senator from Rhode Island, because he was talking about the Consumer Price Index adjustment. He and I served on the Senate Finance Committee together. We know we had asked for a study by a commission to report to the Finance Committee. I think the commission was asked for by the distinguished Senator from New York, Senator MOYNIHAN, and, at that time, Senator Packwood, to report to us as to whether the CPI, the Consumer Price Index, was correctly reporting the cost of living or not. That commission made a preliminary report and said no, it is incorrect, in that it overstates inflation by anywhere between 0.7 percent up to 2 percent.

So what we have done is suggest we make an adjustment, that we make a correction, that we make it more accurate than it was before. Our plan says we are going to take a low estimate—let us use one-half of 1 percent—and make the adjustment there.

It seems to me, and I ask the Senator, that what we are suggesting makes such great sense I am wondering if he could comment on why there is so much opposition. It seems no one wants to touch this part of our plan for fear of the political consequences. Could the Senator shed some light on why something that seems so reasonable is such a problem to do?

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Rhode Island.

Mr. CHAFEE. I think the answer to this is that people really do not want to get into trying to solve these dramatic problems that are out there in connection with the entitlements. The word ''entitlement'' is one we toss around here, but what are entitlements? Entitlements are, principally, Social Security. But they are also Medicare, Medicaid, and welfare. We believe—and it is not just us but every serious student of the deficit of this Nation and the direction we are going has said so—it is essential to get the expenditures in these entitlement programs under control or there just plain will not be money to pay for them in the future years.

So when we began looking into this in the Finance Committee, as the Senator from Louisiana indicated, Chairman Alan Greenspan of the Federal Reserve came and testified before us and he said you should look into the Consumer Price Index, and whether it is accurately stated? It was his view, which was corroborated by further studies, that the Consumer Price Index is overstated and the Consumer Price Index is the basis on which the cost of living adjustments are computed for Social Security, for pensions, indeed, for the Tax Code.

So we looked into this further. As the Senator said, we set up a commission to look into what is the accurate Consumer Price Index. As the Senator said, the preliminary report has come back saying that as currently computed it is overstated somewhere between, on the low side 0.7 percent, on the high side 2 percent.

So we looked at that, here is 2 percent way up here, 0.7 percent here. We said we will not go as high as either of those figures. We will only make an adjustment of 0.5 percent, from the Consumer Price Index. Actually, we would make really tremendous savings if we, for example, took the 2 percent.

Mr. BREAUX. Yes.

Mr. CHAFEE. But we chose not to do that, as the Senator recalls.

Mr. BREAUX. Let me thank the Senator for that comment. I want to talk about why we did what we did with regard to the CPI adjustment, because it is controversial. But I think, as our colleagues understand better what it actually does in the real world, they will agree with us that it is the right thing to do. I think it is the correct thing to do, not only economically, I think politically it is the correct thing to do because we are telling senior citizens and everybody else who benefits from programs that are indexed for inflation, that we are going to take the steps necessary to make sure the program is there for the future. Unless some corrections are made, you are

going to have an indexed program that does not have any money in it. So if the program is broke, what in the world is the benefit of having it indexed to inflation if there is no money left in the Treasury?

I will give an example. Just with the Social Security Program, the estimates are, by the year 2030, the number of people receiving benefits is expected to rise to 43 beneficiaries for every 100 workers. Right now it is 27 beneficiaries for every 100 workers. There is an explosion with the baby boomers who are going to be retiring. What that means in real terms is that by the year 2013, not that far off—by the year 2013, Social Security benefit payments will exceed the tax revenues dedicated to the program.

That simply means we are going to be paying out more than we are taking in. So if we are going to pay out more than we are taking in, what benefit is it to say it is indexed and I will get an increase every year to make up for inflation? If you do not have any money left in the pot, it does not matter it is indexed to any kind of standard because there is no money left to pay a person.

So what we have suggested is a fix in this area. It is not the only way to solve the problem, but it is part of a package. Increasing gradually the retirement age is part of that suggestion, and that I support as well.

Let me tell you what that means in the real world. I ask unanimous consent to have printed in the RECORD a table which is entitled ''Impact of 0.5 percent CPI Change on Social Security Beneficiaries.''

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

IMPACT OF 0.5 PERCENT CPI CHANGE ON SOCIAL SECURITY BENEFICIARIES

	1995	1996	1997	1998	1999	2000	2001	2002
Average Monthly SS Benefit	637	656	676	696	717	738	761	783
Average Monthly SS Benefit CPI—0.5 Percent	637	653	669	686	703	721	739	757
Average Monthly Difference		3	7	10	14	18	22	26
Average Yearly Difference		38	79	121	166	213	263	315

Mr. BREAUX. What this simply shows is that it has a very small dollar impact on a retiree when you look at the great benefits of shoring up the system. For instance, the average Social Security monthly benefit in 1995 was $637 a month. With no change at all, that will go up to $656 a month in 1996.

With our change—and people say, ''Oh, it's so difficult. It is impossible to do politically. You will have all the seniors unhappy. It is a terrible thing to do''—with our change the person who is averaging $637 per month in 1995 will still get an increase next year; it will go up to $653 instead of $656. That is $3 less. It still is a substantial increase.

What is more important, it is a more accurate increase because it more accurately reflects what the adjustment should be. How can anyone stand up and say, ''Not only am I going to have my benefits increased for inflation, guaranteeing an annual increase, but I want it to be overstated, I want it to be inaccurate, and I want it to be a mistake, which determines how much I get.''

How can anyone stand up and say, ''I want an error in the adjustment of what the increase should be to determine how much I'm going to get from my Government,'' putting in jeopardy the entire program for future generations? I cannot think of a senior who would ever want to stand up and say, ''I want more than an inflation adjustment accurately says I should get,'' when it runs the risk of destroying the very program that their children and grandchildren, as well as themselves, have come to depend on.

So we have taken a great, courageous political step, some say. I think it is a factual step that has to be taken in order to preserve the system. I reserve the remainder of my time.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I agree with the Senator from Louisiana that this step is simply the right thing to do. All we are doing is saying, let the Consumer Price Index be accurately stated. That is what we have chosen to do here.

Some have labeled that a very courageous step. We did not look on it that way. We think of it as the logical step to take to state the CPI more accurately. Likewise, there is, as the Senator from Louisiana so aptly stated, a tremendous benefit to doing that. Otherwise, unless we do it, the Social Security system is going to go under water.

I see the Senator from Washington here, and I am glad to hear his comments.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, last Thursday, I appeared with the two distinguished Senators from Rhode Island and Louisiana and a large number of others to speak in favor of their bipartisan balanced budget proposal on which I have worked under their tutelage over the course of the last several months.

I do not need to repeat the history which led to this point or, for that matter, the details of the proposal itself, except to say, Mr. President, that this is, in fact, a balanced budget, a truly balanced budget by making real changes in the way in which we manage spending programs in this country, true reforms in entitlement programs, to a certain extent, and, in particular, reforms that were not even included in the balanced budget that were passed by this body in December. So from a substantive point of view, it is very real.

Mr. President, the only other comment about the program that I have to say is this. At one level, of course, balancing the budget is almost a moral course of action. It is simply wrong morally and ethically for us to continue year after year spending hundreds of billions of dollars on services that we want but are unwilling to pay for, and then sending the bill for those services to our children and to our grandchildren. Beyond it simply being wrong, Mr. President, it is destructive of opportunity for future generations.

We are convinced and we are told by those who are economic experts that a balanced budget, even the clear promise of a balanced budget, with policy changes that will lead to that point, will mean more money for the Federal Government from the present tax system because of lower interest rates and greater prosperity, but, more significantly than that, more money in the pockets of American citizens, more jobs, better jobs, lower interest rates on homes and automobiles and other major purchases people make. There is a tremendous fiscal dividend to be had from a balanced budget, not only for the Government but more importantly for our citizens.

I will conclude, Mr. President, by saying that I believe that the two Senators who have led this effort deserve the gratitude not just of the Members of the Senate and of the Congress, but of the American people. They have not to this point gotten the publicity, the public acceptance, the public knowledge, for that matter, of this proposal that they deserve. But they have soldiered on to a point at which this is a very real alternative and one I hope that Members of both parties and the President of the United States will accept.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the Senator from Washington for those very generous remarks. I appreciate the kind words he said. Let me just say that we cannot go too far wrong if we are doing something right for the future generations of this Nation.

It is absolutely clear that, if we continue on the present course, trying to fund these entitlements—Medicare, Medicaid, Social Security, welfare—without changes, it is clearly going to bankrupt the Nation. You see some projections that estimate an individual

will have to pay 80 percent of his or her earnings to the Federal Government in order to sustain these programs in future years. They are clearly out of control.

That is why we try to bring them under control. It is not just us predicting this. It is already happening, and ahead of schedule, as we see with the Medicare Program.

The Senator from Colorado is here, the senior Senator from Colorado. I will be delighted to hear his comments.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I thank the Senator from Rhode Island and the Senator from Louisiana for their leadership on this project.

Mr. President, why in the world would you have a budget process going on separately from the committee? I think there are some simple truths that lay out why. The reality is that this Congress tried to control spending. They did it by proposing increases last year of roughly 3-percent. That may not sound like cuts to people outside the U.S. Congress, but in reality a 3-percent increase was less than the rate we had been on and less than what the natural law provides with the automatic increases in a variety of programs.

The President honestly, sincerely felt that we ought to increase spending at least 4, 4.5 percent. Thus, they did not reach agreement. Mr. President, that fact has not gone away. The reality is that the President of the United States wants much more in the way of an increase in spending than the Republican Congress wants. There is no way around that. It is not going to change tomorrow.

I think we all hope that the President will sit down with Congress and work out an arrangement. But that has been tried, and the reality is, the two parties have dramatically different views of what is good for the country. The President sincerely believes we need to increase spending more than the Republicans want to increase spending.

Mr. President, the only salvation for us is a bipartisan effort in Congress that comes up with enough votes to override the President's veto. That is a simple reality and a simple fact. If we did not develop a budget that does that, we did not achieve any progress. That is why I think this proposal has so much merit.

It is a bipartisan proposal. Is it as strong as I would like? Of course not. The reality is we ought to be cutting spending, not increasing it at a slower rate. Anybody who looks at their family budget knows that. But this is dramatically better than no progress at all, and it is the one alternative we have this year to make some progress.

There are some other facts that are realistic, too. Medicare is going to be insolvent. We can debate about whether it is going be 5 years or 6 years or 4 years, but it is going to be insolvent. The American people are not well served if you let it go to a position where it is insolvent. Social Security is going to be insolvent. It may be 20 years, it may be 25 years, but it will be insolvent.

To pretend you are somehow helping the American people by running these trust funds into insolvency is ludicrous. The American people know it is ludicrous. The American people want a Congress that will deal with the problems, not hide from them, not gloss them over, not pretend they do not exist. They want it done fairly, they want it done evenhandedly. Mr. President, this budget offers a bipartisan way to resolve our financial difficulties.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank the Senator from Colorado for those excellent remarks.

I yield what time the Senator from Utah needs.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I rise to pay tribute to the two Johns—CHAFEE of Rhode Island and BREAUX of Louisiana—for the leadership they have shown and for the tenacity which they have maintained throughout this process.

As I go home to Utah, I have two reactions from people, as they go through the process and go through what we have done here. The first one that comes from people, who are, perhaps, more partisan than some others, is to find some aspect of this thing and complain. ''How can you, Senator BENNETT, support''—fill in the gap—and the reaction is, ''No, I do not support that. You are right, I campaigned against that.'' ''Well, how can you stand here and say that this was a good thing that you have been involved in?''

And then we get to the second reaction, which comes from many of the same people, but includes a broader spectrum, and it is summarized, ''Can you guys not get your act together back there and solve some of these problems?'' ''Why are you so partisan that you cannot address the fundamental issues of the country.'' ''Instead of a Democratic or Republican solution,'' one of my constituents said, ''is there not an American solution?'' I am not so filled with hubris as to say the result here is the ''American solution'' as opposed to the Republican or Democratic solution.

I remember something my father used to say when talking about his experience in the Senate. He said, ''We legislate at the highest level at which we can obtain a majority.'' I think that is the driving force here—that we have recognized that there will be things in the bill that I will hate. There will be things in the bill that I will really like and that folks on the other side will hate. But we legislate at the highest level at which we can obtain a majority. And the way we obtain a majority is to talk to each other and work things out and make the kinds of changes and understandings that we have to make in order to get there.

Unfortunately, in the circumstance we live in today, a majority is not 51 votes; a majority is 60 votes. And you cannot get 60 votes in the Senate if you do not have some give and take. So I salute the tenacity of the folks who have been involved in this process to keep at it and to keep both sides together and to keep both sides equal. I think that is a powerful, powerful idea.

What are we doing, Mr. President? We are trying to solve the financial problems of the United States. What are the financial problems of the United States? Quite simply, spending exceeds income at an increasing rate. That is very fundamental. So we have to address ways of increasing income and ways of decreasing the growth of spending.

The thing that I endorse the most out of this is the recognition that there are ways to increase income that defy the wisdom of the computers that make straightforward extrapolations. The willingness of everyone to put a capital gains tax cut in this package is the most encouraging thing for me. The computers say it is going to cost us money. I know the computers are wrong. I know that when we get actual experience, we will find that cutting the capital gains tax rate, as this package does, will increase capital gains tax revenue. Every time we have done that in history, that has been the result. Every time we have raised the capital gains tax rate, we have reduced capital gains tax revenue. Why we cannot get the computers programmed to recognize that fact is something I have quit arguing about, because I have been unable to budge anybody who programs the computers. But the willingness of both sides to say, OK, we will score this as a revenue loss, even though I know it is not, and we will pay for it because it is the right thing to do, shows a degree of understanding that I think is terrific.

The other thing we do in this package that I salute is that we have the willingness to confront the CPI. We have the willingness to say the Consumer Price Index is out of whack. The Consumer Price Index is driving the increase in spending. We have to confront it, even though it produces a bonus for a lot of our citizens.

I am heartened by the courage of all 22 members of this group, Democrats as well as Republicans, who looked each other in the eye and said, ''It is time for a little truth telling. Even though the CPI is politically sensitive, it is time to do the right thing.''

So, Mr. President, as I said, I salute the two Johns for their leadership, and the other 20 members of the group, who stood together on these crucial issues. I recognized immediately that there are things in the deal I do not like. But, ultimately, the direction in which

it moves us is the direction in which the country must go, in a bipartisan manner, lowering the temperature of the partisan arguments that occur on this floor. I am proud to have been a part of the overall effort.

Mr. BREAUX. Mr. President, I will yield whatever time he needs to the Senator from Wyoming. I will conclude by pointing out that I think we have laid out a good package. We have indicated that there will be an opportunity in the next week or so to present our package on the floor of the Senate as an amendment on a substitute to the Budget Committee resolution. We hope that between now and then we will have a chance to talk to our colleagues and go into greater detail with them as to what our package contains, to try and answer the questions they have, knowing that it is not perfect, but that we think it represents a true and fair compromise.

With that, I yield to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask unanimous consent that we continue for an additional 5 minutes in morning business, which will enable me to speak 4 minutes and conclude with either Senator CHAFEE or Senator BREAUX.

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

Mr. SIMPSON. I am pleased to join with Senators CHAFEE and BREAUX, and the others of the centrist coalition, in announcing this plan. This is very comprehensive. I hope our colleagues will take a very clear look at it. But I just so admire Senators CHAFEE and BREAUX—tireless, able, caring, sensible people, trying to do a sensible thing. We cannot continue this raucous partisanship about who is doing what to who. Medicare cannot be touched and now, of course, it is going to go broke a year, maybe 2 years, earlier than we thought 6 months ago. Here we rock along and, finally, we are addressing it in this proposal.

I am particularly pleased that we are looking at the Consumer Price Index, and that we propose to reduce that CPI by one-half of a percentage point in 1997 and 1998, and by three-tenths of a percentage point after that, for the purposes of computing the COLA's, the cost of living allowances. And, of course, the AARP will shriek like a gut-shot panther and leap off their pinnacle down there at their temple, for which they pay $17 million a year rent. Please go see it. I hope everybody goes there. Get your shoes cleaned off before you go in, or you will hurt the marble floors. It is quite a place. They will go crazy on this. They will wail about tearing the back door down and the terrible effort to get Social Security benefits. And we are not cutting Social Security benefits. That is not what is driving this issue.

What we are striving to do is have a more accurate CPI that reflects the true level of inflation. This is the issue that is most important to the senior citizens of this country—inflation. This certainly does drive seniors into doubt and concern. That is what we must do. It is inflation that eats away the seniors' lifetime savings.

So we have had the testimony from Alan Greenspan, and others, who believe the CPI is off the mark. We think this is a very valid step—$110 billion in savings over 7 years. That may not be a popular proposal, but it is critically important. If we were to do that for 10 years on a 1 percent, which we are not dealing with, but that would be $680 billion over 10 years. The figures are huge and, exponentially, they go on out.

So it is a total package. Some are not going to like things here, but it is a very good first step. We achieve some really significant reversal of what is happening to us as a country. I served on the Entitlements Commission, and we all know where we are headed.

I like the one about making Medicare eligibility link up with the Social Security retirement age by gradually increasing that eligibility age. That acknowledges that life expectancy is higher now.

We are going to affluence test Medicare part B. I would have done more of that. We say those who have annual incomes exceeding $50,000 and couples who have incomes exceeding $75,000 will be affluence tested. I certainly think we could do that at a lower income sometime, but we do not have the votes to do it at this time.

We limit Medicaid. I would have liked to have seen more flexibility, but I am not going to let that deter me from supporting this.

Everything here will have an objection from somebody, but the totality of it overwhelmingly outweighs the concerns I have about these other things.

So in many other areas—taxes—I had my concerns. Here is a tax package. I did not think we should just give 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 concerns. There was not a single thing I addressed that was not met with the finest courtesy and genuine regard of what we were trying to do.

So I urge all my colleagues to consider the plan. Those who automatically reject the notion of a bipartisan budget will have no trouble at all finding one or two items to oppose it, but I am convinced anyone who approaches the plan with an open mind and a recognition that all true bipartisanship requires a great degree of compromise—compromising an issue without compromising ourselves—will conclude this as an impressive plan. No tricks, no gimmickry, none of the usual stuff. It makes the tough, politically unpopular decisions Republicans and Democrats alike have been putting off for far too long.

I again thank sincerely Senator CHAFEE and Senator BREAUX. They are statesmen.

Thank you.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Rhode Island [Mr. CHAFEE] is recognized.

Mr. CHAFEE. Mr. President, first, I want to thank each of the speakers who took the trouble to come here today in support of this effort that Senator BREAUX and I have the privilege of leading.

Second, I would like to say that what this is all about is future generations. Unless we do something about these entitlements, this country of ours is going to be in great financial and economic peril. If we take these steps now that we have outlined, then there is a wonderful chance—it is not only a chance, it is a fact—that we can reverse the trends that are now underway in our two largest spending programs—Social Security and Medicare—as well as Medicaid and welfare.

So this is it. It is easy to criticize, and people, as I mentioned earlier, will say, ''I'm all for it, except for the CPI,'' or ''I'm all for it, except for the Medicare number,'' or ''I don't like your tax figure.'' But nobody else has come forward with a program that has the support of Senators on both sides of the aisle, Democrats and Republicans.

So this is it, and we hope that everybody, every single Senator in this body will carefully consider what we have come up with. We sincerely hope that they will join with us. We want more people. There are 22 of us who have worked together on this since October. But 22 is not enough, and it is not enough for Senators to say, ''Well, that's pretty good. We'll see what else is going to come along.'' Nothing else is going to come along that we know of. We have been involved with this for some time.

So we do seek support from our fellow Senators on both sides of the aisle. The beneficiaries will be our children and our grandchildren, and that is a pretty worthwhile goal.

I thank the Chair and certainly thank my distinguished colleague, Senator BREAUX, who has been terrific in the leadership he has given to this program right from the beginning.

TRIBUTE TO FORMER JUSTICE RICHARD L. ''RED'' JONES

Mr. HEFLIN. Mr. President, retired Alabama Supreme Court Justice Richard ''Red'' Jones passed away on April 22. I had the pleasure of serving with him on the court in the mid-1970's, and remember well his great wit and ability to tell stories. He was also a true legal scholar who approached cases and issues with zeal accompanied by seriousness. He loved the law. He was always tenacious in his determination to arrive at the correct decision under the law.

Red grew up in rural Pickens County, located in west-central Alabama, where he was known by his initials, ''R.L.'' People there continued to refer to him as R.L. throughout his life, as opposed

to Richard, Dick, or Red. While he was growing up in this part of Alabama, he had an insatiable appetite for reading and for educating himself. He loved to tell of how he took full advantage of the book mobiles that would come around during those days bringing books to residents in rural areas.

Red attended law school at the University of Alabama. He began practicing law in Aliceville, AL, after obtaining his law degree. He later practiced in Fairfield and eventually became a partner in a Bessemer law firm. He then moved his law office to Birmingham, but had clients all over Alabama.

Red was an outstanding trial attorney. He handled many cases seeking compensation for lung diseases suffered by coal miners and cotton gin workers, and served for a time as the president of the Alabama Plaintiff Lawyers Association, now known as the Alabama Trial Lawyers Association. As a plaintiff attorney, he was highly regarded as an ardent advocate by attorneys and judges in both the criminal and civil fields.

He served on the Alabama Supreme Court for a total of 18 years, from 1973 to 1991. He was generally known for his keen understanding of the law and its majesty. He wrote his opinions in clear language so that all could understand them. While on the State's high court, he was consistently supportive of all judicial reform efforts. He was a true champion in the area of improving the administration of justice. He oversaw the establishment of the unified judicial system, the rules of procedure that govern the trials in both civil and criminal cases, and the establishment of training programs for judges, clerks and registers, judicial assistants, and court reporters. He participated in the revision of the Alabama code, serving on the code revision committee.

One of the hallmarks of his esteemed career was his excellent service as commissioner of the uniform State law commission. This commission's job was to propose State laws which could serve as models for the States, such as uniform commercial codes. He was highly regarded for his work on the commission. As I traveled, I encountered people all over the country who praised his accomplishments in developing model State laws.

Red's sense of self-deprecating humor is something I will always remember about him. He had a way of putting people at ease through humor and amusing stories, and often made himself the brunt of his own jokes. As his pastor at Shades Valley Presbyterian Church said so correctly of him: ''He was a great talker, a great storyteller, and a great friend.'' It seemed as if he used humor to put serious problems and issues in their proper perspective so that personal passions and feelings would not interfere with his decisionmaking. It helped him retain his objectivity when considering a case.

He had an abiding interest in serving others by volunteering his time in several civic organizations and associations that he felt would improve the communities in which he lived or that he thought would advance his profession. He believed strongly in country, family, and faith.

At his funeral, Justice Hugh Maddox gave a warm eulogy to his long-time friend, saying:

Red Jones had boundless energy, and although Red has passed his baton to those of us who are still in the race . . . he left with us the legacy of how the race should be run. He prepared well, he was totally committed, and he ran with endurance.

One of his last acts on the court a few years ago was to swear in Alabama's newest lawyers—among them his son, Rick Jones—who had recently been admitted to the State bar.

Judge Red Jones was an outstanding lawyer, family man, and public servant. Everyone liked him and enjoyed his companionship. I will miss him greatly.

I extend my sincerest condolences to his wife, Jean, and their entire family in the wake of this immeasurable and untimely loss.

LEADERS PROMOTE DEMOCRACY IN VIETNAM

Mr. GRAMS. Mr. President, last week I hosted a meeting of the International Committee for a Free Vietnam [ICFV] which resulted in the drafting and presentation of a resolution which promotes democracy in Vietnam, particularly individual freedoms and human rights. Joining us were Parliamentary leaders from Europe, Canada, and Australia. Since Vietnamese leaders will hold their Eighth Party Congress in June, it is important that we communicate the reforms recommended in the resolution to the Vietnamese, to continue the dialogue begun as we continue to normalize our relations with Vietnam.

While at the meeting, I was disturbed to learn that a distinguished member of the group Col. Bui Tin, a former member of the Vietnamese Communist Party, received a death threat which was alleged to originate from Vietnamese Government sources. He is not the only one who has received these threats, but he is the only one with whom I am personally acquainted. It was very disappointing to me to hear this, just at the time we hope to improve our relationship with Vietnam.

Col. Bui Tin, a resident of Europe, has done nothing but advocate democratic reforms in Vietnam, consistent with the first-amendment rights we have in our country. He does so out of concern for the people of Vietnam, where he was a soldier for over 37 years.

I join many of my colleagues in urging the leaders of Vietnam to cease this kind of threat, which is just as egregious, if not more, as the continuing imprisonment of many political prisoners in Vietnam today.

I ask unanimous consent that the text of the resolution of the ICFV adopted on April 24, 1996, be printed in the RECORD for the information of all Senators.

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

RESOLUTION OF THE ICFV, WASHINGTON, DC, APRIL 24, 1996

1. The representatives of the I.C.F.V. present at this conference are united in this support for:

1.1. The rule of law, multiparty politics, free elections, the release of political prisoners and prisoners of conscience;

1.2. The recognition and implementation of human rights, including the rights of free speech, freedom of association, freedom of religious belief, and freedom from arbitrary arrest, freedom to work; and

1.3. The obligation of all governments to consult their people and to govern in accordance with their wishes.

2. Thus I.C.F.V. urges all parliamentary democracies to support and extend assistance to the people of Vietnam on the basis that the forthcoming Communist Party Congress recognizes the principles embraced by this conference and that the party and the Vietnamese government implement such principles.

3. The conference recognizes the immense importance of accurate and fair information on current events and issues being made available to the people of Asia including Vietnam.

4. The conference urges the Parliaments of the countries represented here including Australia, Canada, various European countries and the U.S.A. to make funds available for enlarging existing surrogate home radio services to Asia, to broadcast otherwise unavailable news and current information to the countries of the region.

5. The conference urges the government of the United States to promote Radio Free Asia.

6. The representative of the I.C.F.V. will seek to open a meaningful, comprehensive dialogue with representatives of the Vietnamese government and Communist party.

7. The conference expresses its appreciation for those courageous persons in Vietnam who speak out for truth, democratic values and human rights.

8. The conference reaffirms the I.C.F.V.'s commitment to democratic and nonviolent change in Vietnam.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 29, 1996, the Federal debt stood at $5,096,726,647,358.55.

On a per capita basis, every man, woman, and child in America owes $19,251.62 as his or her share of that debt.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, morning business is closed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1664, the Immigration Control and Financial Responsibility Act, which the clerk will report.

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 by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship and 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.

The Senate resumed consideration of the bill.

Pending:

Dole (for Simpson) amendment No. 3743, of a perfecting nature.

Graham amendment No. 3760 (to amendment No. 3743), to condition the repeal of the Cuban Adjustment Act on a democratically elected government in Cuba being in power.

Graham-Specter amendment No. 3803 (to amendment No. 3743), to clarify and enumerate specific public assistance programs with respect to which the deeming provisions apply.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON], is recognized.

Mr. SIMPSON. Mr. President, now may we review the activity. Am I correct that we have two amendments at the desk of Senator BOB GRAHAM of Florida, to which there has been a degree of debate and time has run on that, and that we are near readiness to vote—not at this time? I will wait until my ranking member, Senator KENNEDY, is here to be sure we concur. What is the status of matters?

The PRESIDING OFFICER. Amendment No. 3803 is pending, offered by the Senator from Florida [Mr. GRAHAM].

Mr. SIMPSON. And then, Mr. President, is there another amendment also pending?

The PRESIDING OFFICER. The Chair is informed No. 3760 has been set aside.

Mr. SIMPSON. That being the first amendment sent to the desk yesterday evening.

The PRESIDING OFFICER. That amendment was set aside.

Mr. SIMPSON. I thank the Chair. Let me just say now, we are embarking on the issue of illegal immigration. I hope my colleagues will pay very clear attention to this debate. This is the critical one. This is where we begin to get something done.

I must admit, and I thank my colleagues for their patience in my obstreperous behavior to propose to go forward with one or two items that had to do with legal immigration, thinking that I might get the attention of my colleagues to do something with regard to chain migration and other phenomenon. That certainly was a message clearly conveyed that that will have to come at another time.

So I will not be trying to link anything. I have no sinister plan to proceed to reconstruct or deconstruct. But the theme of this debate must be very clear to all of our colleagues, and it is very simply said: If we are going to have legal immigrants come to our country, then those who bring them, who sponsor them will have to agree that they will never become a public charge for 5 years, and then when they naturalize, of course, that will end. That has come through very clear.

But every single amendment that you will hear which says that the assets of the sponsor should not be deemed to be the assets of the immigrant, then remember that leaves only one person, or millions to pick up the slack, and those are called taxpayers.

So every time in this debate when there is an amendment to say, ''Oh, my, we can't put that on the immigrant, that that asset should be listed as the immigrant's asset,'' every time that will happen, it means that the obligation of the sponsor becomes less and the obligation of the taxpayer becomes greater. You cannot have it both ways. The sponsor is either obligated, and should be, by a tough affidavit of support—and there is a tough one in there—or if they come off the hook, the taxpayers go back on the hook. That is the essence of observing this debate.

The second part is very attentive to the issues of verification, because it does not matter how much you want to do something with regard to illegal immigration—and let me tell you, this bill does big things to illegal immigration because apparently that is what is sought—but you cannot get any of it done unless you have good verification procedures, counterfeit-resistant documents, things of that nature, which are not intrusive, which are not leading us down the slippery slope, which are not the first steps to an Orwellian society, which are not equated with tattoos, which are not equated with Adolf Hitler. That is not what we are about. But you cannot get there, you cannot do what people want to do some with vigor intensified, you cannot do that unless you have some kind of more counterfeit-resistant documentation, or the call-in system, or something.

You must have, I think, pilot projects to review to see which ones might be the best that we would eventually approve, and we would have to have a vote on that at some future year as to which one we would approve. That is very important.

You cannot help the employer by leaving the law to them. The employer right now has to look through 29 different documents of identification or work authorization. Then, if the employer asks for a document that is not on there, that employer is charged, or can be charged, with discrimination. We have done something about that. We must continue to do that.

What we are trying to do is eventually even get rid of the I–9 form. But when somebody in the debate says that employers are going to be burdened, remember, they are already burdened in the sense that they do the withholding for us on our Tax Code. That is a pretty big load. They do that. God bless them. On the employment situation, all they do is have a one-page form called an I–9, and they have had that since 1986. We are going to reduce the number of documents that they have to go through. We are going to reduce it from 29 to 6. We are hopefully going to do something with the proper identifiers which eventually will get rid of the form I–9. But the whole purpose of this is to aid employers in what they are trying to do with regard to employment of others in the work force.

Of course, any kind of eventual procedure or verification system that we use will apply to all of us. It will not be just asked of people who pull for them. That would be truly discrimination. It will be asked of those of us who are bald Anglos, too. Only twice in the lifetime can one be asked to present or to assist in this verification, and that is at the time of seeking a job and at the time of seeking public support—that is, public assistance or welfare. That is where we are.

A quick review of the issues of illegal immigration reform: As I say, this is a plenty tough package. Everyone should be able to appropriately thump their chest when they get back to the old home district and say, ''Boy, did we do a number on illegals in this country.'' The answer is, yes, but you will not have done a thing if we do not have strong, appropriate verification procedures. Nothing will be accomplished—simply a glut of the same old stuff showing one more time fake ID's like this, fake Social Security like this. You can pick them up anywhere in the United States. Within 300 yards of this building you can pick up any document you want, if you want to pay for it. You get a beautiful passport from a little shop not far from here for about 750 bucks. That will fake out most of the folks. That is where we are.

You cannot get this done unless we do something with these types of gimmick documents which then drain away the Treasury, which then create the anguish with the citizens, which give rise to the proposition 187's of the world. If we do not deal with it responsibly, we will have 187's in every State in the Union.

So those are some of the things that I just wanted to review with my colleagues.

To proceed, I will await the appearance of my good colleague, the ranking Member from Massachusetts. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The 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. Without objection, it is so ordered.

AMENDMENT NO. 3871 TO AMENDMENT NO. 3743

(Purpose: To make a technical correction to sec. 204 of the bill to provide that deeming is required only for Federal programs and federally funded programs)

Mr. SIMPSON. Mr. President, I send an amendment to the desk to correct a drafting error in section 204(A) relating to an issue within our consideration, so it will, as intended, apply only to Federal and federally funded programs.

I have cleared this with my ranking member, and it is a technical amendment returning the language to what it was before the final change and to be consistent with the intent of the section and with the version that was used during the Judiciary Committee markup.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. I ask unanimous consent that it be in order.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3871 to amendment No. 3743.

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:

Section 204(a) is amended to read as follows:

(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 Federal program of assistance, or any program of assistance funded in whole or in part by the Federal Government, for which eligibility for benefits is based on need, 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.

Mr. SIMPSON. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is agreed to.

So the amendment (No. 3871) was agreed to.

Mr. SIMPSON. I thank the Chair.

Mr. President, I make the eternal lament—if our colleagues could come forward with the same vigor in which they produced their amendments at the last call, as they draped some 100 or so up front at the desk. And, of course, we are limited procedurally. We are limited by hours, each of us having an hour. Yielding can take place or allocation of that hour.

We are ready to proceed. I believe that we need not have too much further debate. I know Senator DOLE would like to speak on the Cuban Adjustment Act. I think at the conclusion of that we will close the debate, and then we will stack the votes on the two Graham amendments. Then I will go forward with my amendment on phasing in, the issue of the birth certificate and driver's license, which I think is in form now where it does not have budget difficulty with what we have done. Of course, the birth certificate is the central breeder document of most all fraud within the system. That amendment will come up then after that. Then we will go back to an amendment of Senator KENNEDY. I believe Senator ABRAHAM had a criminal alien measure. Then I will go to a verification amendment.

Once those issues, including deeming and welfare, verification and birth certificate discussion, are disposed of—those are central issues to the debate—I think that other amendments will fall into appropriate alignment with the planets.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 8 minutes.

Mr. President, at the time the Graham amendment is disposed of—I will offer the amendment and I will speak to it at the present time because the subject matter is very closely related to what the Graham amendment is all about. If his amendment is successful, it will not be necessary. But I want to illustrate why I think the Graham amendment should be supported by outlining a particular area of need that would be included in the Graham amendment but to give, perhaps, greater focus to the public policy questions which would be included in my amendment.

My amendment would remove the sponsor-deeming requirement for legal immigrants under the bill for those programs for which illegal immigrants are automatically eligible. These programs include emergency Medicaid, school lunches, disaster relief, child nutrition, immunizations, and communicable disease treatment. Under my amendment, illegals and legals would be eligible for these programs on the same basis, without a deeming requirement.

In addition, my amendment exempts a few additional programs from the deeming requirements. These programs were all exempted from deeming in the managers' amendment in the House immigration bill. Let me underline that. What this amendment basically does is put our legislation in conformity with what has actually passed the House of Representatives on these important programs, and for the reasons I will outline briefly. The language of the amendment is identical to the language passed by the House. For these programs, it is especially unconscionable or impractical to deem the sponsors' income. These additional programs include community and migrant health services, student aid for higher education, a means-tested program under the Elementary-Secondary Education Act, and Head Start.

This amendment does not exempt any new items. Except for prenatal care, every single program in my amendment is exempted in the House immigration bill. The House saw the importance of these programs. There is no reason why the Senate should not do the same. Legal immigrants should not be deemed for programs for which illegals qualify automatically. Let me just underline that. Legal immigrants should not be deemed for that which illegal immigrants qualify automatically.

The reason the illegal, primarily children, qualify is because we have made the judgment that it is in the public health interest of the United States, of its children, that there be immunization programs so there will not be an increase in the communicable diseases and other examples like that. We have made that judgment, and it is a wise one, and I commend the House for doing so because it is extremely important.

We have effectively eliminated the deeming program for expectant mothers for prenatal care. Why? Because the child will be an American citizen when that child is born and we want that child, who will be an American citizen, to be as healthy and as well as that child possibly can be. So we work with certain States on that. There are a few States that provide that kind of program—we are willing to support those States—after the mother has actually been in the United States for 3 years. So, this is not the magnet for that mother. The mother has to demonstrate residency, to be here for a 3-year period. It makes sense to make sure that child gets an early start. We have that in this legislation. But the other programs I have referenced here are closely related in merit to those programs.

Legal immigrants should not be deemed for programs which the illegals qualify. For example, legal immigrant children are subject to sponsor deeming before they can receive immunization. Illegals are automatically eligible for immunization. Both legal and illegal children need immunization to go to school. But if parents cannot afford immunization, the legal immigrant child cannot go to school, the illegal immigrant can. This is just one of the examples of the inequities in this bill.

Community and migrant health services, under the Public Health Services Act, go to community clinics and other small community programs. These grants are intended to ensure the health of entire communities, so legal immigrants should continue to be included in the program to keep the health of the whole community from being jeopardized.

Community and migrant health clinics are the first line of defense against communicable diseases. These programs get people into the primary health care system. There is no way,

other than expensive private health insurance, for legal immigrants to take care of illness from the start, such as coughs, sore throats, skin lesions. Without this exception, immigrants will be pushed into emergency rooms to get treatment. This clogs our Nation's emergency rooms and is more expensive. Under this bill, immigrants would have to wait until their illnesses were severe enough to warrant a trip to the emergency room. This is bad health care policy.

This amendment would also exempt from the broad deeming requirements Federal student aid programs to legal immigrants to help them to pay for college. Student aid is not welfare. Student aid is not welfare. Half of the college students in this country rely on Federal grants or loans to help pay for their college, and many affluent citizens could not finance a college education without Federal assistance. Legal resident aliens are no different. Most of them would be unable to afford college without some financial help from the Government. A college graduate earns twice what a high school graduate earns and close to three times what a high school dropout earns—and pays taxes accordingly.

I want to point out, the eligibility has no impact on reducing the eligibility of other Americans. That is because the Pell and Stafford loans are a type of guarantee, so we are not saying that, by reducing the eligibility to take advantage of those programs, we are denying other Americans that. That is not the case. That is not the case. That is not so. We have some 460,000 children who are in college at the present time who are taking advantage of these programs. Many of them have extraordinary kinds of records. This would be unwise. The repayment programs under the Stafford loans have been demonstrated to be as good as, if not better than, any of the returns that come from other students as well.

The Nation as a whole reaps the benefits of a better educated work force. The Bureau of Labor Statistics estimates that about 20 percent of income growth during the last 20 years can be attributed to students going further in school. That has been true. In the House of Representatives they understood this. So this also exempts Head Start from sponsor deeming requirements.

Everyone knows investments in children pay off. Nowhere is it more true than in Head Start. Head Start is the premier social program, a long-term experiment that works. Study after study has documented the effectiveness of Head Start.

Legal immigrants should not be subject to more restrictions than illegal immigrants. We are punishing the wrong group. These people played by the rules, came here legally. Over 76 percent of them are relatives, members of families that are here. In instances of citizens or permanent resident aliens, they should not have a harsher standard than those who are illegal. In addition, there are certain services which are vital to the continued health and well-being of this country. My amendment ensures that legal immigrants will still have access to these programs.

I want to point out that our whole intention in dealing with illegals is to focus on the principal magnet, what the problem is, and that is the jobs magnet. That is why we have focused on that with the various verification provisions, which I support, which have been included in the Simpson program; by dealing with other proposals to ensure greater integrity of the birth certificates, an issue which I will support with Senator SIMPSON; the increase of the border guards and Border Patrol—again, to halt the illegals from coming in here. That is where the focus ought to be. We should not say in our assault, in trying to deal with that issue, that we are going to be harsh on the children. That does not make any sense.

The PRESIDING OFFICER. The Senator wished to be yielded 8 minutes.

Mr. KENNEDY. I yield myself 2 more minutes.

Mr. President, a final point I will make is, I know a quick answer and easy answer to this is, ''If the deemers do not provide it, the taxpayers will.'' That is a simple answer. With regard to this program, it is wrong. The reason it is wrong is because in the SSI, the AFDC, the other programs, in order to get eligibility, there has to be preparedness for financial information in order for eligibility. That has been out there, and it exists at the present time. The deeming programs in those areas have had an important effect.

We are going to have to set up a whole new process of deeming, as the Senator from Florida has pointed out, because there is no experience in these States for dealing with Head Start or community health centers or an emergency kind of health assistance or the school lunch programs or teachers dealing with the Head Start.

That is going to be a massive new kind of a program that is going to have to be developed in the schools, local communities and in the counties. It is not out there. The cost of that is going to be considerable and is going to be paid for by the taxpayers. So this is a very targeted program.

For those reasons, I am in strong support of the Graham amendment. I hope it will be adopted. If not, we will have an opportunity to address this amendment at an appropriate time after the disposition of the Graham amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Is this the second Graham amendment or the first Graham amendment?

Mr. KENNEDY. We are debating both.

Mr. SIMPSON. Either one.

Mr. DOLE. Mr. President, I would like to speak to the amendment that the Senator from Florida offered last night on behalf of himself and others.

First, I listened to the distinguished manager of the bill, Senator SIMPSON. I think he correctly stated we would like to stack those votes and have the votes occur after the policy luncheons, because apparently there is a problem with planes getting in and out of New York.

Cloture was filed last night on the bill. We would like to have that cloture vote later today. If not, then very early in the morning, 8 a.m. tomorrow morning. So we can either do it late tonight or early tomorrow morning. We could wait until midnight to have it 1 minute after midnight. I prefer not to do that. It is our hope we can complete action on this bill and move on to other legislation. We have made progress. I think we can probably make a little more.

AMENDMENT NO. 3760

Mr. DOLE. Mr. President, I have the utmost respect for Senator SIMPSON and his work on immigration. I do not often disagree with him, but on one issue I do. Section 197 of this bill repeals the Cuban Refugee Adjustment Act. The Cuban Refugee Adjustment Act of 1966 was enacted to facilitate the granting of legal permanent resident status to Cubans fleeing their homeland. The Cuban Adjustment Act, at its core, is about standing on the side of oppressed people—our neighbors—who are fleeing Castro's dictatorship. The United States has consistently stood with the Cuban people. That is why I rise in opposition to the proposed elimination of the Cuban Refugee Adjustment Act before a democratic transition takes place in Cuba.

First of all, conditions in Cuba have not changed since the implementation of the act. In 1996, as in 1966, Castro brutally represses dissent and systematically abuses human rights. The United States has had a consistent and determined policy of three decades supporting the Cuban people's aspirations for freedom and democracy. A policy that this Congress reaffirmed when it passed the Dole-Helms-Burton ''Libertad'' Act of 1996.

Mr. President, let me state clearly what this act does and does not do. It essentially allows Cuban refugees who reach United States shores to apply, at the discretion of the Attorney General, for permanent residence status without being forced to return to Cuba. It is not a mechanism to allow more Cubans to enter the United States. It is not an entitlement to permanent residency. It is merely a procedure for those already here and seeking legal status. To repeal this act would give the Castro regime a propaganda victory, but would not measurably affect the number of Cubans reaching America. The Clinton-Castro migration pact—negotiated in secret and without congressional consultation—allows over 100,000 Cuban immigrants to enter the United States over the next 5 years. Repealing the Cuban Refugee Adjustment Act will not decrease this number. Repealing

the act will only send the wrong signal to Castro's dictatorship.

That is why I, along with Senators GRAHAM, MACK, and ABRAHAM, have offered an amendment that states that the Cuban Refugee Adjustment Act would only be repealed when conditions stipulated under the Libertad Act have been met, specifically, that a democratic government is in place in Cuba.

A repeal of the act at this time is not in the national interest of the United States. Recent events have demonstrated once again that the Castro regime remains a threat to security in the Caribbean, America's front yard. Let us once again stand together in sending a strong message to Fidel Castro and to the Cuban people that we stand for democratic change in Cuba.

It seems to me with this one provision in this bill—I know the distinguished Senator from Wyoming has worked very hard and has done an outstanding job. I respectfully disagree with him on this one aspect. I hope the amendment offered by my colleagues from Florida, Senator MACK and Senator GRAHAM, myself, and others will be adopted.

Mr. KENNEDY. Mr. President, parliamentary inquiry. Can we have a cloture vote if we are under cloture at the present time? Is it appropriate to have another cloture vote during the period we are acting under the decision of the Senate yesterday afternoon and the 30 hours have not run?

The PRESIDING OFFICER. The Senate would have to dispose of the current cloture item before the vote.

Mr. KENNEDY. How many hours remain on the cloture item?

The PRESIDING OFFICER. There remains approximately 27 hours.

Mr. KENNEDY. And does the Chair know how many amendments are out there that have been submitted at this time?

The PRESIDING OFFICER. The Chair is informed there has been approximately 130 amendments filed.

Mr. KENNEDY. I, for one, am very hopeful now that we will have a chance to dispose of these amendments. Everyone on this side voted for cloture last evening. We have not had a chance to offer amendments. Senator GRAHAM stayed last evening and spoke to the Senate on both of these measures, which are timely. Other Members have indicated they wish to offer amendments. We want to at least give assurances to Members that it is not in order to order a cloture motion until we have the final resolution on the current matter, as I understand.

Parliamentary inquiry. At the time there is final cloture and the acceptance of these amendments on the underlying amendment to the bill, at that time the bill is open to further amendment, is it not?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I want to indicate, we will offer the minimum wage amendment at that particular time, since that is the next open opportunity to offer the minimum wage. We want to make it very clear—I know that is the position of Senator DASCHLE—that once we conclude this at a time when we are going to work through the process of cloture and Members will have an opportunity to offer their amendments, at that time, the bill itself will be open for amendment, and it is our intention to offer the minimum wage amendment at that particular time, because it will be appropriate to offer it at that particular time.

I hope we are not going to have to go through another kind of parliamentary procedure where we are going to be blocked from offering the minimum wage at all and then another cloture motion filed, so that we are taking up the better part of a week on a matter that could have, quite frankly, been resolved in a couple of days.

I thought it at least important to understand what the parliamentary situation is. There is no effort to try and delay the consideration of this legislation. Everyone on our side voted for it. This is the first opportunity we have had to offer amendments on it. These amendments are all germane, and the floor manager himself indicated he wanted a chance to offer some amendments as well.

I think it is important to understand that when we conclude this, that there will at least be an effort made by our leader, Senator DASCHLE, myself, Senator KERRY and Senator WELLSTONE, to offer the minimum wage. The leader is in his rights to try and foreclose us from that by working out this other parliamentary procedure where we will be denied the opportunity to vote that for a period of time. I hope that will not be the case. Nonetheless, I just wanted to review where we were from a parliamentary point of view.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, we understand the parliamentary situation. It is my hope we can work out some agreement and complete action on this bill. We have been on it a number of days. I think it is a very important piece of legislation. We would like it to pass. I think it has strong bipartisan support, as indicated by the cloture vote last evening.

I think it should be limited to germane amendments. We made a proposal on minimum wage to the leader on the other side. It has been temporarily rejected. Perhaps it will be revisited.

We understand the daily comments about this issue, but we are trying to complete action on the immigration bill. If it is determined that is not possible because of an effort to offer nongermane amendments, then we will move on to something else.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I just point out at this time that the amount of Republican amendments that have been offered on this, as I understand it with a quick review, far exceed the numbers that have been offered by the Democrats. So maybe that admonition ought to be targeted in terms of Republicans because they have submitted many more amendments than have been submitted by our Democratic colleagues. I thank the Chair.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, for procedural announcements, first, I indicate that the minority leader, Senator DASCHLE, has transferred 30 minutes of his time under the cloture rule to myself.

Second, I ask unanimous consent that at such time as we take up consideration of the Graham amendments, the first amendment to be voted on be No. 3760 and the second amendment voted on be the amendment relative to deeming, which is No. 3803. Mr. President, I ask unanimous consent that that be the order in which the amendments are considered.

The PRESIDING OFFICER. Is there an objection? Hearing none, without objection, it is so ordered.

Mr. GRAHAM. Mr. President, have the yeas and nays been ordered on these amendments?

The PRESIDING OFFICER. They have not.

Mr. GRAHAM. 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. GRAHAM. Mr. President, if I could comment briefly on the remarks that have just been made by the majority leader and then the remarks that were made earlier by our colleague from Massachusetts. I think they both have gone to the essence of the two amendments that we will be voting on later today.

The first amendment relates to the Cuban Adjustment Act. As Senator DOLE has eloquently stated, the conditions in Cuba have not changed in the past 35 years. Therefore, the reason why the Congress in 1966, 30 years ago, adopted the Cuban Adjustment Act continue in place.

Those reasons are fundamentally a recognition of the authoritarian regime at our water's edge. The fact that, because of that regime, hundreds of thousands of people have fled tyranny, it was in the interest of the United States to have an expeditious procedure by which those persons who are here legally in the United States, have resided for 1 year, and have asked for a discretionary act of grace by the Attorney General, be given the opportunity to adjust their status to that of a permanent resident. That was a valid public policy when it was adopted in November 1966. It is a valid public policy in April 1996.

I cited yesterday and included in yesterday's CONGRESSIONAL RECORD, Mr.

President, an article which appeared in the April 29 Washington Post, citing the regress that has occurred in Cuba in recent months, the heightened level of assault against human rights advocates, including journalists, the inability of human rights organizations to meet, the rollback of some of the gains that were made in terms of market economics, all of this at a time when Fidel Castro is saying that Cuba is committed to a Socialist-Communist state, will be for another 35 years and for 35 times 35 years.

That is the mindset of the regime with which we are dealing today, which is the same mindset that led this Congress in its wisdom 30 years ago to provide this expeditious procedure. The amendment before us recognizes that the Cuban Adjustment Act is intended to deal with the special circumstance, a circumstance that we hope will not be long in its future. Therefore, our amendment, the Cuban Adjustment Act, will be repealed, but it will be repealed when there is a democratic government in Cuba, not today when there is a government in Cuba which has launched a new level of repression against its people.

The second amendment, Mr. President, Senator KENNEDY has appropriately gone to the essence of that. That is an amendment which states that, if we are going to require that there be a deeming of the income of the sponsor to the income of a legal alien in making judgments as to whether that legal alien and his or her family can be eligible for literally an unlimited number of programs at the local, State, and Federal level, that we ought to be clear what we are talking about.

The way in which the legislation before us, S. 1664, describes the matter is to say that for any program which is needs based, that will be the requirement, that the income of the sponsor be attributed or deemed to be the income of the legal alien for purposes of their eligibility. I cited last night just a short list of what could have been thousands of examples of programs, from programs intended to immunize children in school, to providing after school safe places, and latchkey avoidance institutions in communities.

Is it the real intention of the U.S. Senate to say that none of those programs are going to be available to the children of legal aliens? I think not. Therefore, the thrust of this amendment is to say, let us be specific. Let us list which programs we intend this deeming of income of the sponsor to apply to.

I have listed some 16 programs which I believe are appropriate to require that deeming. As I said last evening, if it is the desire of the sponsors to modify that list by addition, deletion, or amendment, I will be happy to consider changes. But the fundamental principle, that we ought to be clear and specific as to what it is we intend to be the programs that will be subject to this deeming, I believe, is basic to our responsibility to our constituents, our citizen constituents, our noncitizen legal alien constituents, and the institutions, public and private, that render services. All of those deserve to know what it is we intend to require to be deemed.

I say, Mr. President, this is in our tradition. Currently we stipulate by statute in great detail which programs require deeming. We stipulate, for instance, that the Supplemental Security Income program be deemed. We stipulate that food stamps be deemed. We stipulate that aid to families with dependent children be deemed. Those are three programs which are in the law today specifically requiring deeming. In that tradition, if we are going to add additional programs, we should be just as specific in the future as we have been in the past.

So the challenge to us is to be faithful to our majority leader's statement earlier in this Congress in which he said this Congress is going to engage in legislative truth in advertising, we are going to say what we mean, mean what we say, and be clear in our instructions to those who will be affected by our actions.

So, Mr. President, those are the two amendments that will be voted on later today which I have offered. First the Cuban Adjustment Act, then the truth-in-advertising and deeming amendment.

I conclude, Mr. President, by asking unanimous consent that Senator LIEBERMAN of Connecticut be added as a cosponsor of the Cuban Adjustment Act amendment.

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

Mr. GRAHAM. Thank you, Mr. President.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I think we are nearly ready to perhaps close the debate and stack the votes on these two issues. I see no one further coming to speak on the issue. I will advise my colleagues—yes.

Mr. GRAHAM. Mr. President, it is my understanding there will be 5 minutes on each side immediately prior to the vote.

Mr. SIMPSON. Mr. President, that would be perfectly appropriate to me.

Mr. GRAHAM. Mr. President, I ask unanimous consent that, prior to the vote on each of those amendments, there be 5 minutes allocated to each side for closing arguments.

Mr. KENNEDY. Mr. President, reserving the right to object, and I do not object to it, I think that I generally want to see if we can vote after the disposition. I think that is a more orderly way. The leader has asked that we stack these. I would like to just see if we could see what understanding there is between Senator DOLE and Senator DASCHLE.

We ought to have at least the minute or two that we always do have. But I would like to inquire if there is no objection from the leaders on this before going along. So if we could inquire of the leadership if they are satisfied with that time, or make another suggestion, I would like to conform to that.

So would the Senator withhold that?

Mr. GRAHAM. I would like to add one other item. Senator SPECTER had asked to speak on the amendment, the truth in advertising and deeming amendment. I would like to protect his right to do so prior to the vote on that amendment.

Mr. KENNEDY. Mr. President, we will inquire of the majority and minority leaders, when we do our stacking, as to what procedure they want to follow in terms of the time. We will make it clear the Senator's request, and we will let him know prior to the time of asking consent.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, we will accommodate the Senator from Florida, but I agree with my colleague from Massachusetts that certainly that will be up to the majority leader and the minority leader as to that procedure. We will go forward on that basis.

Last night, I rather hurriedly commented on Senator GRAHAM's amendment. Let me be a little bit more precise at this time. I am speaking now of the Graham amendment to limit deeming to SSI, food stamps, AFDC, and housing assistance.

I do oppose the Graham amendment. This amendment would reopen a substantial loophole in our national—and traditional—immigration policy. Again, let me emphasize that before any prospective immigrant is approved to come to the United States, that newcomer must demonstrate that he or she is ''not likely to become a public charge.'' That means that the newcomer will never, never, never use welfare—any welfare at all. That is what the law says, and that has been part of our immigration law since 1882.

Well, despite this stated policy, more than 20 percent of all immigrant households receive public assistance. There is a disconnect here between our Nation's stated policy, which is that no newcomer shall use welfare, period, and shall not become a public charge, and the reality in the United States, where one-fifth of our newcomers use welfare.

My colleagues could easily wonder, and are wondering, ''How can this happen?'' That is the question of the day. Many individuals show that they will not become a public charge by having a sponsor who is willing to provide support if the alien should need assistance of any kind. Under current law, however, this sponsor's promise is only counted when the alien applies for SSI, food stamps, and AFDC. No other welfare programs in the United States look toward the sponsor's promise of support. I hope that can be heard in the debate.

The bill now before the Senate—this is in the bill that is before you, this is

in the bill that came from the Judiciary Committee by a vote of 13 to 4—requires that all means-tested welfare programs consider the sponsor's income when determining whether or not a sponsored individual is eligible for assistance. That is as simple as it can be. The U.S. Government expects the sponsors to keep their promises in all cases. That is what it is.

We should be clear about what deeming does. Deeming is, perhaps, a bit confusing. It is a simple word that something is deemed to be. In this case, the sponsor's income is deemed to be that of the immigrant for the purposes of computing these things. Deeming—this is very important. The bill will not deny welfare to an individual just because he or she is a new arrival. That is not what this bill does. I have heard a little bit of that in the debate. I would not favor anything like that, or any approach like that.

Instead, the bill requires that the sponsor's income be counted when determining whether the newcomer is eligible for public assistance. If the sponsor is dead, if the sponsor is bankrupt or otherwise financially unable to provide support, then this bill provides that the Federal Government will provide the needed assistance. That is what this bill before you today says.

My colleagues need to know what the Graham amendment does. It is sweeping. This amendment would limit deeming to only supplemental security income, SSI; aid to families with dependent children, AFDC; food stamps; and the public housing programs. That is it. That is all. This is almost unchanged from current law. It is the current law we are trying to change in this bill—and we do, and we did in Judiciary Committee. I hope we will continue it here because it already requires deeming for SSI and food stamps and AFDC.

Senator GRAHAM's amendment would exempt Medicaid, would exempt job training, would exempt legal services, would exempt a tremendously wide range of other noncash welfare programs from the sponsor-alien deeming provisions in this bill.

This amendment effectively undermines this entire section of the bill—the entire section—because here is what would happen. Under the Graham amendment, newcomers would have access to these various programs, and it would not be regarded as part of the sponsor's obligation. Newcomers, I think most of us would agree, who are brought here on a promise of their sponsors that they will not become a public charge, should not expect access to our Nation's generous welfare programs—cash or noncash—unless the sponsor, the individual who promised to care for the new arrival, is unable to provide assistance. If the sponsor is unable to do that for the various reasons that I just noted, then there is no obligation. The Government does pick up the tab. But if that sponsor is still able to do so, that sponsor will do so because if that sponsor does not do so, there is only one who will do so, and that is the taxpayers of the United States. There is no other person out there to do it.

So that is where we are. Our Government spends more on these noncash programs than all of the cash assistance programs put together. To exempt them would relieve the sponsors of most of their promise of support. I see no reason to exempt any sponsor from their promise of support, unless they are deceased, bankrupt, or cannot do it. If that is the case, then a very generous Government will do it, that is, the taxpayers.

I must stress that immigrant use of these noncash welfare programs is truly significant. For Medicaid alone, CBO estimates that the United States will pay $2 billion over the next 7 years to provide assistance to sponsored aliens, people who were coming only on one singular basis—that they would not become a public charge. This amendment would perpetuate the current levels of high welfare dependency among newcomers, and I urge my colleagues to oppose it.

I have never been part of the ritual to deny benefits to permanent resident aliens. I think there is some consideration there to be given in these cases. I do not say that illegal immigrants should not have emergency assistance. They should. And the debate will take place today where we will say, ''Well, why is it we do these things for illegal immigrants and we do not do it for legal immigrants?'' The issue is very basic. The illegal immigrant does not have someone sponsoring them to the United States who has agreed to pay their bills, and see to it that they do not became a public charge, period. That is the way that works.

So it is a very difficult issue because it has to do with compassion, caring, and all of the things that certainly all of us are steeped in. But in this situation it is very simple. The sponsor has agreed to do it, and to say that their income is deemed to be that of the immigrant. And that is the purpose of what the bill is, and this amendment would effectively in every sense undermine this aspect of the bill.

So I did want to express my thoughts on the debate indeed.

Then, finally, the Cuban Adjustment Act, as I said last night, is a relic of the freedom flights of the 1960's and the freedom flotillas of the late 1970's. At those times of crisis Cubans were brought to the United States by the tens and hundreds of thousands. Most were given this parole status which is a very indefinite status and requires an adjustment in order to receive permanent immigrant status in the United States. Since we welcomed those Cubans and intended that they remain here, the Cuban Adjustment Act—a very generous act—provided that after 1 year in the United States all Cubans could claim a green card. That is the most precious document that enabled you to work. They would claim a green card and become permanent residents here.

Since 1980 we have thoroughly tried to discourage illegal entry of Cubans. There is no longer any need for the Cuban Adjustment Act. The provision in the bill which repeals the Cuban Adjustment Act exempts those who came and will come under the current agreement between the Castro government and the Clinton administration, and one which Senator DOLE so ably described having been done without any kind of participation by the Congress. Those 20,000 Cubans per year, who were chosen by lottery and otherwise to come here under that agreement, will be able to have their status adjusted under the committee bill provisions. There is no change there at all. However, other than that one exception, there is no need for the Cuban Adjustment Act and it should be repealed.

No other group—I hope my colleagues can understand—nor nationality in the world, even among some of our most brutal adversaries, is able to get a green card merely by coming to the United States legally, or illegally, and remaining here for 1 year. That is what this is. Millions of persons who have a legal right to immigrate to join family here are waiting in the backlog sometimes for 15 or 20 years. And it would seem to me it would make no sense to allow a Cuban to come here on a raft, stay offshore and tell somebody from the INS who checks the box and says, ''We saw you come,'' and 1 year later walk up and get a green card. That is exactly what is happening under current law. You come here, or to fly in on a tourist visa, to go to see your cousin, or sister, in Orlando, and then simply stay for 1 year and go down and get a green card, having violated our laws to do so, and then are rewarded with a precious green card which takes a number away from somebody else who has been waiting for 10 or 15 years. The Cuban Adjustment Act should be repealed.

It has been repealed on this floor three separate times, ladies and gentleman. The Cuban Adjustment Act was repealed in 1982. It was repealed in 1986. And it was repealed again I believe in 1990. That date may be imprecise. Each time it had gone to the House and then repeal had been removed.

So that is the Cuban Adjustment Act. It is certainly one of the most arcane and surely one of the most remarkable vestiges of a time long past; a remnant.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. SIMPSON. Yes. I certainly will.

Mr. KENNEDY. If the immigrants come from Cuba under the existing exchange agreement, are they denied the other kinds of benefits that are available to others that come here as immigrants, or are they treated the same?

Mr. SIMPSON. Mr. President, all of those who come under the new proposal with the 20,000 per year for the 4 years,

or the 5, are exempt from this provision. They would continue to come under that agreement between the President and the Cuban Government. They are not part of this.

Mr. KENNEDY. I thank the chairman.

Mr. President, I support the Senator's opposition, or I support the provisions in the legislation that would repeal it, and oppose the amendment of the Senator from Florida.

Mr. President, to move this process forward we have invited other Members of the Senate to come forward and address the Graham amendments, and we certainly welcome whatever participation they would want to make.

I would like to—and I will—introduce other amendments that are related in one form or another to the Graham amendments because I think we will find that there will be a disposition in favor of it. I hope that the Graham amendments will be accepted. And, if they are accepted, at least one of mine then will not. I would ask that we not vote on that because effectively it would be incorporated in the Graham amendments.

There are other provisions that are related to the general idea of programs that would be available to needy people that I would want to have addressed by the Senate.

So, Mr. President, I will offer—and I have talked to the floor manager on this issue, and on the amendment that I had addressed the Senate earlier on, and that was to eliminate the deeming on those legal for those particular programs that have been included in the House of Representatives as to be no deeming eligibility for. I ask that the current amendments be temporarily set aside.

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

Mr. KENNEDY. These amendments have the way to address that rather fundamental principle which I addressed earlier which requires that there be two amendments.

I would ask they be incorporated en bloc. This has been cleared with the floor manager. Then when the vote comes, if it does come on those amendments, that the one vote would incorporate both those amendments.

Effectively, Mr. President, these two amendments amend different parts of the bill but they are essentially, as I described earlier, and that is to make the programs consistent here in the Senate bill with what happened in the House bill where over there they said that there would be no deeming for the essential kinds of programs that primarily benefit children. The reason for that is because it is in the public interest for our own children that would be adversely impacted, if the legal children did not have immunizations and other kinds of emergency kinds of services, treatments, and screening programs. I addressed that earlier. I will speak to the Senate subsequently. But I ask that that follow the Graham amendment. If the Graham amendment is accepted, then I would ask to vitiate the yeas and nays on it.

Mr. President, it would be my intention to offer an amendment on the Medicaid deeming to title II of the bill. I will send that to the desk in just a moment.

Let me explain what this amendment would do. I am deeply concerned that for the first time in the history of the program we will begin to sponsor deeming for Medicaid for legal immigrants. I recognize that this is a high-cost program of $2 billion for helping legal immigrants over the next 7 years. But public health is at stake—not just the immigrants' health. The restriction on Medicaid places our communities at risk. It will be a serious problem for Americans and immigrants who live in high immigrant areas. If the sponsor's income is deemed, and the sponsor is held liable for the cost to Medicaid, legal immigrants will be turned away from the program, or avoided altogether. These legal immigrants are not going to go away. They get sick like everyone else, and many will need help. But restricting Medicaid means conditions will be untreated and diseases will spread.

If the Federal Government drops the ball on the Medicaid, our communities and States and local governments will have no choice but to pick up Medicare and pick up the cost.

In addition to veterans, my amendment exempts children and prenatal and postpartum services from the Medicaid deeming requirements for legal immigrants. The bottom line is we are talking about children, legal immigrant children who will likely become future citizens. The early years of a person's life are the most vulnerable years for health. If the children develop complications early in life, complications which could have been prevented with access to health care, society will pay the costs of a lifetime of treatment when this child becomes a citizen.

Children are not abusing Medicaid. When immigrant children get sick, they infect American citizen children. The bill we are discussing today effectively means children in school will not be able to get school-based care under the early and periodic screening, detection and treatment program. This program provides basic school-based health care. Under this bill, every time a legal immigrant goes to the school nurse, that nurse will have to determine if the child is eligible for Medicaid. The bill turns school nurses into welfare officers. The end result is that millions of children will not receive needed treatment and early detection of diseases.

Consider the following example. A legal immigrant child goes to her school nurse complaining of a bad cough. The nurse cannot treat the girl until it is determined that she is eligible for Medicaid. Meanwhile, the child's illness grows worse. The parents take her to a local emergency room where it is discovered the little girl has tuberculosis. That child has now exposed all of her classmates—American citizen classmates—to TB, all because the school nurse was not authorized to treat the child until her Medicaid eligibility was determined.

Or consider a mother who keeps her child out of the school-based care program because she knows her child will not qualify for the program. This child develops an ear infection, and the teacher notices a change in his hearing ability. Normally, the teacher would send the little boy to the school nurse but cannot in this case because he is not eligible for Medicaid. The untreated infection causes the child to go deaf for the rest of his life.

In addition, the school-based health care program also provides for the early detection of childhood diseases or problems such as hearing difficulties, scoliosis—and even lice checks.

Prenatal and postpartum services must also be exempt from the Medicaid deeming requirements. Legal immigrant mothers who deliver in the United States are giving birth to children who are American citizens. These children deserve the same healthy start in life as any other American citizen.

In addition, providing prenatal care has been proven to prevent poor birth outcomes. Problem births, low birthweight babies and other problems associated with the lack of prenatal care can increase the cost of a delivery up to 70 times the normal costs.

In California, the common cost of caring for a premature baby in a neonatal unit is $75,000 to $100,000.

Many things can go wrong during pregnancy, and in the delivery room many more things will go wrong if the mother has not had adequate prenatal care. Without it, we allow more American citizen children to come into the world with complications that could have been prevented.

This is not an expensive amendment. According to CBO, the cost of care for children and prenatal services is less than the cost for elderly persons.

What we are talking about, Mr. President, is $125 million, the cost of this amendment—$125 million to deal with the cost to exempt children under 18, services to mothers, expecting mothers, and veterans, from Medicaid deeming—$125 million out of $2 billion. So it is a very reduced program. It is, again, for the children, again, for the mothers, and, again, for veterans who have served or who may still be legal immigrants and have served in the Armed Forces and need some means-tested program.

The most outstanding one is prescription drugs. That is really the number one program, where they be costed out, and these veterans would have difficulty in program terms for that kind of attention.

Furthermore, the cost of providing a healthy childhood to both unborn American citizens and legal immigrant children is far less than the cost to society in treating health complications

at delivery and throughout the lives of the children.

Finally, many legal immigrants serve in our Armed Forces. We mentioned that briefly at other times in the debates. Most veterans benefits are means tested. If the sponsor deeming provisions in the bill are applied to veterans benefits, some veterans will find themselves ineligible for VA benefits because the sponsor makes too much money or they are too poor to purchase health insurance.

My amendment allows those veterans to receive the health care they need under Medicaid.

This bill will make many immigrant veterans ineligible for health care assistance under their VA benefits. Currently veterans who are unable to defray the costs of medical care can qualify for means-tested benefits. There are several mandatory VA programs which are means tested. These programs provide vets with free inpatient hospital care and nursing home care. In addition, these programs help veterans pay for inhome care and out patient care. If these VA programs are deemed, Medicaid coverage may be the only safety net an immigrant veteran can receive.

Are we going to deny the 25,000 immigrants who are in the Armed Forces today—there are 25,000 of them who are in the Armed Forces today—who are sacrificing? And no one, I do not believe, was asking them when they joined whether they were being deemed or not being deemed. They were brought into the Armed Forces and served in the military. There are 25,000 of them who have served. All we are talking about are those particular ones who are going to have to have some special needs as I mentioned primarily in the area of prescription drugs. They have been serving this country and serving it well, many 2 or 3 or 4 years and even more.

So, Mr. President, this amendment effectively says that we will not have deeming when we are talking about children, mothers and veterans—children, mothers and veterans. We have carved that out of the Medicaid provision. You will not have deeming, one, for the public health purposes. I would like to do it because I think the most powerful argument is that the children are not the problem. Again, it is the problem of the magnet of jobs in this country and we should not be harsh on these children in particular.

I know there are those who say, well, the taxpayer has to do it. I am saying that it is a $2 billion tab. We are carving $125 million out of that and saying, both because the children are not the problem and for those who are looking for bottom lines, it is cheaper to have healthier children. These are children that are going to be American citizens. It is worthwhile that they are going to have an early start and we are going to be sensitive to those who have served under the colors of the country, the veterans who fall on particularly hard times to be able to benefit from the program.

Mr. President, will the clerk report.

The PRESIDING OFFICER. If there is no objection, the pending amendment will be—

Mr. KENNEDY. It is my intention that we temporarily set aside the GRAHAM amendments, that the two amendments incorporated in the earlier presentation that said we are in this bill going to treat those limited emergency programs the way that the House of Representatives did and saying we are not going to have a dual standard for the illegals and legals—we are going to treat the legals the same as the illegals—to achieve that there had to be two amendments offered to amend two different parts of the bill, but it is a rather straightforward provision. Rather than require a vote on each provision, I had talked to the floor manager and we had hoped that we would vote on those two en bloc.

And then the second amendment that I have sent to the desk deals with carving out the areas of Medicaid, for mothers, children, and the veterans. I believe that amendment has been sent to the desk. I would ask that my first amendment be temporarily set aside so that we would have that amendment before the Senate.

AMENDMENTS NOS. 3820 AND 3823

The PRESIDING OFFICER. If there is no objection, the Graham amendment will be set aside and the two en bloc amendments by Senator KENNEDY will be considered.

The clerk will report those amendments.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes en bloc amendments numbered 3820 and 3823 to amendment No. 3743.

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

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

The amendments are as follows:

AMENDMENT NO. 3820

(Purpose: To provide exceptions to the sponsor deeming requirements for legal immigrants for programs for which illegal aliens are eligible, and for other purposes)

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1996.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence of child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3823

(Purpose: To provide exception to the definition of public charge for legal immigrants when public health is at stake, for school lunches, for child nutrition programs, and for other purposes)

On page 190, after line 25, insert the following:

"(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d).''.

The PRESIDING OFFICER. If there is no objection, those amendments are set aside.

AMENDMENT NO. 3822 TO AMENDMENT NO. 3743

(Purpose: To exempt children, veterans, and pregnant mothers from the sponsor deeming requirements under the medicaid program)

The PRESIDING OFFICER. The clerk will report the third Kennedy amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3822 to amendment No. 3743.

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

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

The amendment is as follows:

On page 201 after line 4, insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act;

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United States Code.

AMENDMENT NO. 3760

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM] is recognized.

Mr. GRAHAM. I ask unanimous consent it be in order for the yeas and nays to be ordered on amendment No. 3760.

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

Mr. GRAHAM. Mr. President, I ask for the yeas and nays on amendment No. 3760.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAHAM. Mr. President, I had not intended to speak further, prior to

the time immediately preceding the vote on these two amendments, but I would like to respond to some of the comments made by the Senator from Wyoming.

First, on the Cuban Adjustment Act issue, the precise issue is the one that the Senator from Wyoming has stated, and that is, is the Cuban Adjustment Act an anachronism? Is it a dinosaur which served a purpose at a time past but is no longer relevant to the future?

The fact is, Mr. President, what is an anachronism, what is a dinosaur is the Fidel Castro regime in Cuba, a regime which has held its people in tyranny for 3½ decades. Until that regime is replaced with a democratic government, the Cuban Adjustment Act continues to play the same positive role as it did when it was adopted in 1966.

I am also concerned about the statement that there is no longer a need for the Cuban Adjustment Act. Between 1990 and 1994, prior to the current Cuban migration agreement of 1995, there were an average of 20,000 persons a year who were in the country legally, had resided here for a year, and asked for the discretionary act of the Attorney General to have their status adjusted. Assumedly, there continue to be thousands of people who arrived prior to the migration agreement of 1995 who are awaiting eligibility to ask for that discretionary act. So, yes, there is a need.

Second, the proposal which is in S. 1664 would only apply to those persons who arrived under the migration agreement of 1995 in the status of parolees. According to the statistics of the Immigration and Naturalization Service, since that agreement was in effect, approximately half of the Cubans who have arrived in the United States did not arrive as parolees. They came as either refugees or as visa immigrants. Under the reading of S. 1664, those persons who came under the migration agreement of 1995, would not be eligible to adjust their status because they did not come in the specific category of a parolee.

So the anachronism is in Havana, not in the laws of the United States. The need continues to exist today as it did 30 years ago. I urge adoption of the amendment which has been cosponsored by Senator DOLE, Senator MACK, Senator ABRAHAM, SENATOR BRADLEY, Senator HELMS, Senator LIEBERMAN—a broad, bipartisan consensus that the date for the change of the Cuban Adjustment Act is the date when democracy is restored to Cuba.

Second, on the amendment relative to truth in advertising and deeming, the Senator from Wyoming says the issue is the fact that we are not covering, under the amendment which I have offered, a variety of programs for which he thinks deeming should apply. I do not see that as being the issue.

The issue is, are we going to pass a vague law which states that the income of the sponsor shall be deemed to be the income of the legal alien for any benefits under any Federal program of assistance or any program of assistance funded in whole or in part by the Federal Government.

That is the proposition which is currently before us. I might say, happily, that that represents a restriction, because the original version of S. 1664 applied that same vague language, not just to federally funded programs but to programs by governments at the State and the local level. Now at least we are only dealing with federally funded programs, in whole or in part.

But the fundamental principle of our amendment is let us be specific. Let us tell the American people, let us tell the legal aliens and their families who are affected, let us tell those persons who are attempting to provide these services in a reasonable way what it is we intend to be covering. Let us list specifically what those programs are in the future as we have in the past. The current U.S. immigration law lists specifically those programs for which the sponsor's income is deemed to be the income of the sponsored legal alien. I think that was a wise policy in the past, and it is a policy which we should continue into the future. That is the fundamental issue.

That is why the major State-based organizations, from the Conference of State Legislators, the National League of Cities, the National Association of Counties—all of those organizations are supporting this amendment because they say we want to know precisely what it is we are going to be responsible for administering, since it is going to be our responsibility to do so. That is why those organizations are concerned about the massive, unfunded mandate that is about to fall upon them, both for the administrative costs of arriving at these judgments and the cost when services that are no longer going to have a Federal partner will become the obligation of local government.

The Senator from Wyoming left the inference that there were two places through which these services for legal aliens could be paid. One was by the Federal Government; second, by the sponsor. I suggest that there is a third, fourth, fifth, sixth, and so forth additional party who will be picking up these costs. Those are the thousands of municipalities, the 3,000 counties, and the 50 States of the United States that will be responsible.

Let me remind my colleagues that, by Federal law, we require a hospital emergency room to render service to anyone who arrives and requests that service, regardless of their ability to pay. So, what currently the law is, is that if it is a legal alien who is medically indigent, that cost will be a shared cost, with the Federal Government paying a portion and the States paying a portion. With what we are about to do, we are going to make that cost an unreimbursed cost to that hospital. Typically, it will be a public hospital. So it will end up being a charge to the taxpayers of that community or that State in which the legal alien lives. It is for that reason that, in addition to those groups that I listed, the Association of Public Hospitals supports this amendment, the Graham amendment, the truth in advertising, in deeming, amendment. It is also the case this has received support of the major Catholic organizations which, of course, operate substantial health care facilities in many communities in this country.

So, it is not correct to say the only two people who are at the table are the sponsor and the Federal Government. The reality is there is a whole array of American interests at the table. Unfortunately, under the amendment as currently written, they do not know what is being negotiated at the table. They do not know what the agenda is at the table. They do not know what their responsibilities are going to be, beyond the vague standard that they have to deem the income of the sponsor for any program of assistance funded in whole or in part by the Federal Government.

So I do not think that is good government. That is not good policy. It is not a respectful relationship with our intergovernmental partners, and it is directly contrary to the spirit of the unfunded mandate bill which this Senate passed as one of the first acts of the 104th Congress.

So for that reason, Mr. President, I urge my colleagues to vote yes on each of the two amendments that we will have before us this afternoon: First, the Cuban Adjustment Act amendment and, second, the truth in advertising in deeming for legal aliens amendment.

Thank you, Mr. President.

Mr. SIMPSON. Mr. President, I believe my friend the Senator from Alabama would like to speak on his own hour. I certainly yield for that.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I rise today in support of S. 1664, the Immigration Control and Financial Responsibility Act, which was reported out of the Judiciary Committee, after a rather long and arduous process, by a vote of 13 to 4.

I especially commend my long-time friend and colleague, Senator ALAN SIMPSON, who is chairman of the Judiciary Subcommittee on Immigration who has guided this legislative effort which is aimed at reducing illegal immigration in this country. He has the patience of Job, and I will miss his good company when we end our Senate careers, which began together 18 years ago. Also, I commend Senator KENNEDY who has worked diligently on this bill, as he does on so many legislative proposals.

I do not believe that there is much question that we need to reduce the high level of illegal immigration in this country, which has been an enormous drain on the country's welfare system, its public education system, as well as other Government resources.

The committee report shows that the number of illegal aliens apprehended each year since 1990 has been over 1 million. This figure alone justifies the steps that need to be taken to reduce illegal immigration.

The provisions in title I of this bill will strengthen law enforcement efforts against illegal immigration. The bill provides for additional law enforcement personnel and detention facilities, authorizes pilot projects to verify eligibility for employment and contains provisions to reduce document fraud.

Title I contains higher penalties for document fraud as well as alien smuggling, and it also streamlines exclusion and deportation procedures and establishes procedures to expedite the removal of criminal aliens.

The provisions in title II relating to financial responsibility of aliens is very important. I believe that aliens should be able to support themselves and, in fact, the U.S. law requires that an immigrant may be admitted to the United States upon an adequate showing that he or she is not likely to become a public charge. This has been a longstanding policy of our Nation, and the legislation before this body would strengthen that policy.

Title II contains certain provisions to reduce aliens being a burden on our Nation's welfare system. It contains a provision that an alien is subject to deportation if she or he becomes a public charge within 5 years from entry into the U.S.

Title II prohibits the receipt of any Federal, State or local government assistance by an illegal alien, except in rare circumstances, such as emergency medical care, pregnancy service or assistance under the National School Lunch or Child Nutrition Act.

Further, one of the ways an alien can prove he or she will not become a public charge is to have a sponsor in the U.S. file an affidavit of support which, under current law, requires the sponsor to support an alien for 3 years. This legislation increases a sponsor's liability to 10 years, which is the same time it takes any citizen to qualify for Social Security retirement benefits and Medicare. This liability against the sponsor is reduced if the alien becomes a citizen before the end of the 10-year maximum period.

These are some of the highlights of this important legislation. A number of amendments have been offered to this bill, some of which I will support and others that I will oppose. But I will keep my eye on the overall objective of the bill, which is to support a national policy to reduce illegal immigration and to make it unattractive for illegal aliens to come to the United States.

In these days of declining governmental resources, we must provide for our own citizens first and foremost. This legislation, under the worthy stewardship of Senator SIMPSON and augmented by Senator KENNEDY, is a step in the right direction.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized.

Mr. SIMPSON. Mr. President, through the years of my work in this area, no one has been more available to visit with, to commiserate with, to talk with than my old friend from Alabama, Senator HOWELL HEFLIN. He has been a wonderful friend and, more appropriate, he has listened attentively to these issues of legal and illegal immigration and always, indeed, has been supportive when he could and at least I always understood when he could not. No one could have assisted me more through the years than the senior Senator from Alabama. I appreciate that very much in many ways.

Mr. President, how much time do I have remaining on my own time before seeking time to be yielded from generous colleagues?

The PRESIDING OFFICER. The Senator has 31 minutes.

Mr. SIMPSON. Mr. President, let me speak then on the Kennedy amendments. I have spoken on the Cuban Adjustment Act, and I have spoken on the Graham amendment. Let me speak briefly on the Kennedy amendment, the Kennedy amendment en bloc, the two that have been joined and the next one, a singular one, and I address them together because they are very similar.

Let me say that, indeed, I oppose the Kennedy amendment and I go back to this singular theme that we must not deviate from: Before a prospective immigrant is approved to come to the United States, that person must demonstrate that he or she is not likely at any time to become a public charge.

I know that is repetitive. It was the law in 1882. The individuals meet this public charge requirement by a sponsor's written agreement, an affidavit of support. It is to provide support if the alien ever needs support. If the alien needs nothing, the sponsor pays nothing. If suddenly the alien says, ''I can't make it, I'm going to have to go on welfare, I'm going to have to receive assistance,'' the sponsor steps in, not the USA. We are trying to avoid the step in these various amendments to say the sponsor is not in this game and the USA is. We say that if the sponsor is deceased or bankrupt or ill, or whatever it may be, that that person will be taken care of.

The committee bill requires all welfare programs to include the sponsor's income when determining whether a sponsored individual is eligible for assistance. In other words, the U.S. Government will require the sponsors in this bill to keep their promises.

CBO has scored this as a significant private-sector mandate. I think that is a most appropriate definition because it should be a private-sector mandate. Sponsors should not expect free medical care from U.S. taxpayers for their immigrant relative when they can provide it themselves. That is what we are talking about.

If they cannot provide it themselves, I am right with Senator KENNEDY, then this Government could do so. But why let the sponsor off the hook? I think that is a mistake.

Senator KENNEDY's amendment would exempt Medicaid from any welfare restrictions for a substantial number of cases. We again should be very clear what deeming does. It does not deny medical treatment to any child or to any pregnant woman. The stories that touch our heart are not affected. You can get that kind of care. You can get that kind of emergency care. It does not deny medical treatment to any child or any pregnant woman with all of the poignant stories we can tell. But it does require that the sponsor who promised to provide the assistance will fulfill their pledge if—if—they are capable of doing so.

I say that my colleague should know that if a sponsor does not have enough money to provide medical assistance, then Medicaid and all other welfare programs are available, all of them. If a sponsor dies, then Medicaid and all of the public assistance programs are available to the newcomer. We are not going to throw sick children into the streets or deny xrays or deny care or any of that type of activity. We are only asking sponsors to keep their promises and pay the bill, if they have the means.

I chair the Veterans Affairs' Committee. I do know how tough it is to discuss the word ''veterans.'' But I am wholly uncertain why the veteran exemption is included at all, because all veterans and their families are eligible for medical care through our veterans hospitals—all of them. Needy veterans—needy veterans, poor veterans, incompetent veterans, whatever, they are provided free medical care, free medical care, through the more than 700 veterans facilities throughout this country, under a completely separate program, which is not Medicaid. It is a huge program. The veterans of this country receive $40 billion per year, which is not Medicaid, not that health care. They have the DOD, the Department of Defense, with CHAMPUS and dependents' health care of those in the military. That is another $4 billion we do not even count. We wonder what is happening.

It is because we are generous. We should be generous. No one—no one—disputes that. But if my colleague wants to provide an exemption for these veterans hospitals, I would certainly try to work something out. I share that. But let us not, however, exempt sponsors of a large number of Medicaid beneficiaries from any responsibility for those they have pledged to support under the guise of fair treatment for veterans.

There are 26 million of us who are veterans. We spend $40 billion. The health care portion of that is huge, over half. There are 26 million of us. We go down in numbers 2 percent per year. You could not be more generous

to veterans. This is a hook. This is one of those hooks we use to do a debate; mention the word ''veterans'' or ''kids'' or ''seniors.'' That is how we got here to a debt of $5 trillion, which is now $5.4 trillion. If we do all the evil, ugly things that will be done or could be done in our discussion, the debt will be $6.4 trillion at the end of 7 years.

So my colleagues know that the Federal Government spends more on Medicaid than any other welfare program. Use of this program by recent immigrants is very significant. For Medicaid alone, CBO estimates that the United States will pay $2 billion over the next 7 years to provide assistance to sponsored aliens. So I hope we might dispose of that amendment.

The Senator from New Mexico is here and in a time bind. I yield to Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico, Senator DOMENICI, is recognized.

Mr. DOMENICI. Might I ask, are we on time limits?

Mr. SIMPSON. The Senator's own time.

The PRESIDING OFFICER. The Senator has 1 hour under rule XXII.

Mr. DOMENICI. I yield myself 7 minutes and hope I do not interrupt what all of you have been talking about.

Mr. President, let me just suggest that if the American people understood what we have let happen to immigration in the United States with reference to the welfare program, I believe, in spite of their genuine interest in immigration and in letting the mix continue in America, I believe they would come very close to saying, ''Stop it all.'' I am going to tell you why.

First, Senator DOMENICI from New Mexico is not against letting people from all over the world come to our country under an orderly immigration process. How could I be against that? I would not be here if we did not have such a policy at the turn of the century. Both of my parents—not grandparents—came from the country of Italy.

In fact, my mother, unknowingly, remained an illegal alien well into the Second World War because the lawyers had told my father that she was a citizen, and she was not because the law had changed. So I understand all of that. I even witnessed her getting arrested by the immigration people after she had been here 38 years with a family and was a stalwart of the community, because technically a lawyer had told my father she was a citizen, and she was not.

I understand how immigrants add to the energizing of this great Nation. I understand how they provide through their gumption and hard work, how they provide very positive things for America. I am not here talking about changing that or denying that. But I want to just start by ticking off a couple of numbers and then telling the Senate what has happened that I think this bill fixes. And welfare reform, as contemplated, completes the job.

We tend to think we have a policy that we will not provide welfare to legal aliens who come to America because we think they all want to go to work, want to take care of themselves, and we have sort of let the programs develop without any supervision. So let me give you a couple of examples.

There are 2.5 million immigrants on Medicaid—2.5 million. There are 1.2 million on food stamps—1.2 million. AFDC, 600,000.

It seems to me that, if we have a policy that you bring in aliens and somebody is responsible for them, then how did we let this happen? Then, to top it off, let me give you the case with reference to the SSI program and immigrants. SSI is itself a welfare program. It is paid for by the general taxpayers of America, not to be confused with a Social Security program for disability that is paid for with Social Security trust funds and people had to work a certain number of quarters to earn it.

I want to say since our earliest days, colonial days, excluding likely public charges has been a feature of our immigration laws.

Also, once immigrants are here and they become a public charge, that immigrant could then be deported. Let me repeat. From our earliest days, likely public charges excluded from the welfare system was part of the American tradition and law, and once here, if they became a public charge, they would be deported.

Data shows that immigrants, in fact, become public charges, and the problem is growing. In testimony before the Budget Committee, George Borjas, of Harvard University, presented some startling data showing the immigrants' use of welfare benefits, and showing that it is now higher than that of the general population. Let me repeat. This professor showed that immigrants are using our welfare system benefits in higher percentages than that of the general population.

Let me take one program on and lay it before the Senate and the public today—the supplemental security program, SSI. That is the fastest growing program in the Federal budget. It is the fastest growing program in the Federal budget. This rapid growth, Mr. President, is due largely to elderly sponsored immigrants coming onto the rolls. That means elderly immigrants are being brought to America under a law that says Americans who bring them will be responsible for them, and they sign agreements saying that is the case.

Now, is it not interesting that if that is what we intend, that something is going wrong? The American taxpayers, who are asking us to take care of Americans in many areas where we do not have money, are paying through the nose for immigrants who came here under the pretense that they would be taken care of, but now we are taking care of them.

According to the Congressional Budget Office, 25 percent of the growth in SSI—that is the supplemental security income participants—between 1993 and 1996 is due to immigrants. Now, that is an astounding number because if you look at the percentage that the immigrants bear to that population, the elderly immigrants represent 6 percent of the elderly SSI population and, today, 3 percent of the population of older Americans are legal immigrants, but 30 percent of the SSI beneficiaries are legal immigrants.

Something has gone awry when a large portion of this population is immigrants. That is what this very simple chart shows: 2.9 percent of the general population are immigrants and 29 percent of the SSI-aged beneficiaries are immigrants—10 times the ratio that their population bears to the group that would be entitled to SSI. One might say that is such a gigantic mismatch that it seems like it is almost intentionally occurring. Somebody is planning it so that Americans pay for immigrants who come here with a commitment that somebody else will take care of them, but when they get old, the Government takes care of them.

I believe that there are data—and they are growing—that maybe sponsors bringing their relatives to the United States do so intending to put them on SSI. This chart shows that the minute the deeming period is over, immigrants apply for SSI. In fact, let us look at this one. Within 5 years of entry into the United States, over half of those on SSI have applied. It almost seems that they come here, and those who bring them here plan to put them on the public welfare rolls under SSI at the very earliest opportunity.

For those of us who promote family unification, which is one reason they get their elderly parents into America, we are beginning to be very suspicious of whether the promoting of this family unification by many is to bring parents here so the Government of the United States can take care of them as immigrants in the United States. That is something that none of us really believe should happen.

There are over 1 million aliens on food stamps; half a million are on AFDC; 2½ million are on Medicaid; and untold hundreds are on small means-tested benefit programs. Clearly, there is a large number of aliens receiving public benefits and, therefore, they are now public charges.

I want to suggest that it is amazing. The testimony before our committee said that even though the INS, Immigration and Naturalization Service, is charged with deporting public charges, through the last 10 years only 13 people were actually deported. Of the millions that came in—and hundreds of thousands are obviously public charges in dereliction of our Federal law—there was a response of only 13 deportations.

So my question is, How does this happen, and will we let it happen and continue to grow? My opinion is that this bill goes a long way in trying to

resolve that issue on the side of American taxpayers, who work hard to earn their money and then give it to the Government and find that, in turn, there is such dramatic abuses of our welfare assistance to those in need, perhaps by aliens who seem almost to be brought here in contemplation of taking advantage of all of this. It seems that simply making the support affidavit legally enforceable is a legislative wish.

Once again, in testimony in front of the Budget Committee, where we were concerned about the skyrocketing costs, there was an analogy drawn between a sponsor's affidavit of enforcement and child support enforcement. I only raise that because child support enforcement is almost one of these things that bear the wrong name because you cannot enforce it. You do not have enough bureaucracy or computers to enforce it. I think when we are finished, we may find ourselves in the same place again because the enforceability of these affidavits is going to be such a monster job that I am not sure it is going to work. But at least we are on record saying it is to be enforced, and we have set the rules in this bill to make this a better opportunity on behalf of our taxpayers.

A panelist asked, How can we expect to make enforcement of affidavits work? Then they said the 20 years of experience in the child support program would indicate it may not work.

Does the Immigration Service, or any other entity charged with implementing this bill, have the resources to effectively administer the deeming requirement and enforce the affidavit? I am not sure. Perhaps the sponsors can address that in due course.

Do we think that there are other steps that should be taken, perhaps along the lines of immigrant restrictions that are in the welfare bill—a 5-year ban on receipts, all noncitizens ineligible for SSI and food stamps?

Could these steps be an interim solution until we have an effective screening mechanism for public charges, enforcement of support orders and deeming requirements?

Mr. President, I did not come to the floor to criticize the bill because, in fact, it makes a dramatic change in the direction of seeing to it that the public charge is minimized when indeed it should be minimal, not played upon, abused in some instances, and even planned abuse to see to it that aliens come and when they get old enough, they go on the public welfare rolls, even though that was never contemplated by our laws—either immigration or welfare.

Mr. President, I thank Senator SIMPSON for yielding the floor so I could use part of my time.

I yield the floor.

Mr. SIMPSON. Mr. President, I hope every one of our colleagues have heard the remarks of the senior Senator from New Mexico. They were powerful, startling, and here is the man whom we entrust with handling our budget activities. And who does it with greater skill and dogged determination than this man? He is citing what has happened to the things that we believe in and that we try to support. I know they have been so seriously disrupted and distorted. They could not have been made more clear. I thank the Senator. With a few words, and with a graph or two, he placed it in better perspective than I possibly could. The present situation is simply unsustainable, and it is going to become ever more so.

Mr. DOMENICI. I thank the Senator.

I will add one further comment. I am firmly convinced—and I think the Senator from Wyoming is—that if the American people understood this problem they would be on his side on this bill. I do not believe with the budget constraints—and having to look at the many programs affecting American citizens and immigrants who become citizens who are working and moving America ahead—that we have this kind of situation involved with reference to in the broadest sense our welfare programs. That does not mean in every single sense I agree with the Senator's approach in this bill. Maybe lunches for school kids may be an exception. It is a bit burdensome. But essentially we have to know what we are giving these people, and decide what we can afford. I think that is to be the prevailing test. And, frankly, we cannot afford a lot. We just cannot. We cannot take care of American citizens in this country.

I thank the Senator for his comments.

Mr. SIMPSON. I thank the Senator from New Mexico.

I have toyed with the issue of doing something with regard to legal immigration, and that was a rather less effective exercise. Somebody else can deal with that one in the years to come because this is all a part of that.

AMENDMENTS TO BE CONSIDERED EN BLOC—NOS. 3855 AND 3857 THROUGH 3862; AND 3853 AND 3854

Mr. SIMPSON. I have two unanimous-consent requests.

I ask unanimous consent that amendments 3855 and 3857 through 3862 be considered en bloc, and I also ask unanimous consent that amendments 3853 and 3854 be considered en bloc.

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

MAKING CORRECTIONS TO PUBLIC LAW 104–134

Mr. SIMPSON. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar item No. 387, Senate Joint Resolution 53.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 53) making corrections to Public Law 104–134.

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

There being no objection, the Senate proceeded to consider the joint resolution.

INTERNATIONAL VOLUNTARY FAMILY PLANNING

Mr. HATFIELD. Mr. President, this resolution makes several adjustments to the Omnibus appropriations bill which the President has signed. I would like to take this unexpected opportunity to express my disappointment, and some astonishment, at the way the funding issue on international voluntary family planning found its conclusion.

Though I wrote the language on family planning that this resolution repeals, despite what misgivings I and others may have about this action, we made a deal in conference and will stick to it.

Since we are all a little battle-weary from consideration of the omnibus bill, I will forego a reiteration of the history of the family planning provision, or a reassertion of what has already been stated on the merits of the issue. A few points that were lost in the din of debate, however, deserve a brief note.

It is axiomatic that reducing the number of unintended pregnancies in the world will reduce the number of abortions. Conversely, where there is no access to family planning, and this will be the case in more regions of the world now, the number of abortions and maternal deaths will quickly rise.

Through the 85-percent cut in AID's voluntary family planning program which regrettably is now in the law, we are going to find this out the hard way. Of the many ironies which have dogged this matter from the outset, among the most painful is that hundreds of thousands of women and children are going to die because prolife Members of Congress, many of whom understand basic biology, failed to apply their understanding to this issue.

A related irony is that voluntary family planning has become hostage to the politics of abortion. Though AID is prohibited by law from using any U.S. money for abortion, the fungibility argument, a slim reed at best, is being used to deny family planning services to millions of poor couples overseas. While prolife Members continue to engage in fungibility discussions, millions more abortions will occur. This offends both decency and common sense, but for now it appears that we can do no better.

We all care about vulnerable families, particularly women and children. I will remind my colleagues, especially those who would fund child survival programs but cut family planning, that UNICEF's ''State of the World's Children'' report states that ''Family planning could bring more benefits to more people at less cost than any other single 'technology' now available to the human race.''

I assure my colleagues that this matter will not go away. It is my hope that Members on both sides of this issue will avoid the temptation to let rigid

ideology stand in the way of compassion and common sense in the next round of debate, which will surely occur on the fiscal year 1997 foreign operations appropriations bill.

Mr. FEINGOLD. Mr. President, I want to speak briefly on the technical correction bill to the continuing resolution which the Senate is about to consider.

It is my understanding that the legislation passed last week inadvertently included the text of the Hatfield amendment, which provided that the harsh restrictions on the operations of the international family planning program could be waived if the President determined that they would interfere with the delivery of such services and result in a significant increase in abortions than would otherwise be the case in the absence of such restrictions. That amendment had been adopted by the Senate by a vote of 52 to 43, but the conferees nevertheless evidently decided to abandon the Senate position. That was a very unfortunate decision, in my view, that will have an adverse impact worldwide on efforts to provide family planning services to individuals in developing countries.

It is not my intent, nevertheless, to take advantage of what was a clerical error in the actual text of the continuing resolution. I recognize that the comity of the Senate requires that both sides of the aisle work in good faith in these areas.

However, I do want to note for the record, that this courtesy was not extended by the Senate Foreign Relations Committee majority to the minority when a somewhat similar drafting error occurred during consideration in the Senate Foreign Relations Committee of the international family planning authorization legislation on the foreign aid authorization bill. At that time, we were advised that although the intent of our amendment was clear, a drafting error occurred which did not reflect the intent of the Committee in adopting, by a vote of 11 to 5, an amendment relating to the international family planning program, and that a technical correction would not be permitted without the entire committee revisiting the issue. My staff was advised that this comity, which is routinely provided when committee staff are authorized to make technical and conforming amendments, would not be extended in this case because the issue involved family planning and abortion which were important to the chairman. Unfortunately, there were other incidents involving population issues during the Foreign Relations Committee's deliberations that also damaged the sense of comity that has traditionally characterized the Senate.

Mr. President, these issues are very important to me and to many Members of the Senate. Indeed, a majority of the Senate repeatedly voted in favor of the international family planning program in a number of votes taken on the foreign operations appropriations bill. The position taken by the conferees on the continuing resolution does not reflect the Senate's position on this issue and I very much regret that the Senate conferees did not uphold the Senate's position. I must say I am confounded why the anti-abortion movement would try to dismantle the very program that does more to prevent abortions than any other campaign.

However, I do not believe that it is appropriate to take advantage of a clerical error to regain our position. I hope that in the future similar courtesy will be extended when the shoe is on the other foot—even when the issue is of great importance to individual Members or is as sensitive as population policy is.

I also hope that now that the population program is resolved for this year, that the program—however small it is—be allowed to go forward. There are currently over 50 population program actions that the administration has notified the Congress of, but which cannot proceed since the chairman of the Senate Foreign Relations Committee routinely puts a hold on all population programs. Even those of us who fervently oppose these reductions accept we need to live with them; I wish that opponents of the program would also try to abide by this compromise, and allow what is left of the program to proceed.

Mr. KERRY. Mr. President, once again I come to the floor about an issue of vital importance—international family planning funding.

In the fiscal year 1996 foreign operations appropriations bill, a draconian provision was enacted that is decimating our family planning programs worldwide. Under that provision, no new funding can be used for population assistance until July 1, 1996—a full 9 months into the current fiscal year. Beginning in July, the program will be funded at a level reduced 35 percent from the 1995 funding level, to be allocated on a month-by-month basis for the next 15 months.

Mr. President, in dollar figures, the effect of this provision is catastrophic. The net result is to cut funding for family planning programs from $547 million in fiscal year 1995 to $72 million for this fiscal year. This is an 86-percent cut in just 1 year. This is indefensible. This is foolish. This is wrong.

Recognizing the damage being done by these restrictions, Senator HATFIELD sponsored an amendment to the last continuing resolution [CR] which would have allowed funding for these programs to resume. Senators DOLE and MCCONNELL tried to defeat that amendment but their effort was overwhelmingly rebuffed by a bipartisan majority in the Senate. Unfortunately, the Hatfield language did not survive in conference. Once again, the Republican majority in the House, which opposes these family planning programs, refused to accept the Hatfield amendment, or in fact any other compromise language offered by the Senate conferees to deal with this issue responsibly.

In a strange twist of fate, however, the conferees left in Senator HATFIELD's language by mistake. The final bill that was passed by the House and the Senate would, in other words, remove these intolerable and destructive limitations on family planning programs.

Now we are being asked to correct that mistake—in effect, to put back into place those very restrictions that a majority of us voted against and which we have worked so hard to overturn. I understand that this is merely the correction of an unintentional mistake. However, I would ask: Would the other side do the same for us if they were in our shoes? Would they agree to help us eliminate language they strongly supported? And sadly, the one recent instance I can remember of a case like this in the Foreign Relations Committee is that they did not accommodate us. So I think the Senate should be reminded of how far out on a limb we are going.

I will not object to this unanimous-consent request. However, should the situation be reversed, and we err at some time in the future, I hope our colleagues on the other side of the aisle will extend the same courtesy to us.

I want to express my strong conviction that international family planning programs are in America's best interest. Funding for these programs is an investment that will save the lives of thousands of women and prevent millions of unplanned births and abortions in the future. These programs will help to ensure that newborn babies will be more healthy and to avert the problem of overpopulation.

I joined Senator SIMPSON in representing the United States at the 1994 International Conference on Population and Development in Cairo, where the United States played a leadership role in galvanizing the international community to action. The conference called for a global effort to address overpopulation and to work together to promote maternal and child health care, educational opportunities for women and girls, and, most importantly, family planning programs. After pledging to provide world leadership in the area of international family planning, we cannot abandon our global partners at this juncture.

Mr. President, let me take a moment to address what I believe is clouding the debate about family planning programs. There are some who want to equate family planning with abortion. Let me make clear: Family planning does not mean abortion.

In fact, statistics prove that when women have access to voluntary family planning programs, the incidence of abortion decreases. Through education and contraception, family planning programs help women and families living in impoverished countries to begin childbearing later in life and to space their children. The issue of helping

families better plan for children is in the interest of all those involved.

In addition, Federal law prohibits the United States from funding abortions abroad. The U.S. Agency for International Development has strictly abided by that law. Those who argue that international family planning programs fund abortions abroad are simply wrong.

Mr. President, by denying people access to the family planning programs worldwide by slashing their funding, there will be an estimated 4 million more unintended pregnancies every year, close to a million infant deaths, tens of thousands of deaths among women and—let me emphasize to my colleagues who oppose permitting women to choose abortions in the case of unwanted pregnancies—1.6 million more abortions.

These programs provide 17 million families worldwide the opportunity to responsibly plan their families and space their children. They offer a greater chance for safe childbirth and healthy children, and avoid adding to the population problem that hurts all of us and hurts the unborn generations even more severely.

In order to spend the population money the administration will have to send the required notifications to the appropriate congressional committees. When that process begins, I hope that those on the other side of the aisle who oppose family planning programs will remember that supporters of family planning programs, on both sides of the aisle, allowed this technical correction to be made and that they will not use the notification process to prevent the funds from flowing.

The Senate has voted time and time again in favor of international family planning programs. Soon we will begin consideration of the fiscal year 1997 budget. Make no mistake about it. Family planning will be an issue and the Senate will continue to fight for its position on this issue. The time is long overdue for the House majority to start acting responsibly on an issue that will affect generations to come.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the joint resolution be considered read for a third time and passed, 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 joint resolution was considered, deemed read for a third time, and passed; as follows:

S.J. RES. 53

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That:

(a) In Public Law 104–134, insert after the enacting clause:

''TITLE I—OMNIBUS APPROPRIATIONS''.

(b) The two penultimate undesignated paragraphs under the subheading ''ADMINISTRATIVE PROVISIONS, FOREST SERVICE'' under the heading ''TITLE II—RELATED AGENCIES, DEPARTMENT OF AGRICULTURE'' of the Department of the Interior and Related Agencies Appropriations Act, 1996, as contained in section 101(c) of Public Law 104–134, are repealed.

(c) Section 520 under the heading ''TITLE V—GENERAL PROVISIONS'' of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, as contained in section 101(e) of Public Law 104–134, is repealed.

(d) Strike out section 337 under the heading ''TITLE III—GENERAL PROVISIONS'' of the Department of the Interior and Related Agencies Appropriations Act, 1996, as contained in section 101(c) of Public Law 104–134, and insert in lieu thereof:

''SEC. 337. The Secretary of the Interior shall promptly convey to the Daughters of the American Colonists, without reimbursement, all right, title and interest in the plaque that in 1933 was placed on the Great Southern Hotel in Saint Louis, Missouri by the Daughters of the American Colonists to mark the site of Fort San Carlos.''

(e) Section 21104 of Public Law 104–134 is repealed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, I ask unanimous consent that a vote occur on or in relation to the Graham amendment No. 3760 at 2:15 today, and immediately following that vote there be 2 minutes of debate equally divided in the usual form to be followed by a vote on or in relation to the Graham amendment No. 3803 with the clarification that there be 2 minutes of debate equally divided on each of those amendments, and that the debate begin at 2:15.

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

Mr. SIMPSON. Mr. President, I send an amendment to the desk.

Mr. President, I will submit the amendment in a moment. As we prepare to do that, let me say that I will proceed to an amendment. Senator KENNEDY has certainly accelerated the process. I am very appreciative. He and I intend to deal with the hot button items, and certainly the one with regard to deeming and public assistance and welfare is one of those. Anything to do with verification is one of those.

So now I do not think this one will be exceedingly controversial because it will deal with the issue of the birth certificate, and the birth certificate is the most abused document. It is the breeder document of most falsification. I have tried to accommodate the interests of Senator DEWINE.

I may not have met that test. But I certainly have tried. I have tried to meet the recommendations of Senator LEAHY, and certainly we have met the test of the issue of cost. Because we have it now so provided that I think we have met those conditions.

AMENDMENTS NOS. 3853 AND 3854, EN BLOC

Mr. SIMPSON. Mr. President, I call up amendments at this time 3853 and 3854 and ask that they be considered en bloc.

The PRESIDING OFFICER. If there is no objection, the pending amendments are set aside, and without objection it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON) proposes amendments numbered 3853 and 3854 en bloc.

Mr. SIMPSON. Mr. President, I believe that those relate to verification. I am not prepared to bring those up at this time, and I ask unanimous consent that that request be withdrawn.

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

AMENDMENTS NOS. 3855 AND 3857 THROUGH 3862, EN BLOC

Mr. SIMPSON. I call up amendments 3855 and 3857 through 3862, en bloc.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON) proposes amendments numbered 3855 and 3857 through 3862, en bloc.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The text of the amendments follow:

AMENDMENT NO. 3855

(Purpose: To amend sec. 118 by phasing-in over 6 years the requirements for improved driver's licenses and State-issued I.D. documents)

In sec. 118(b), on page 42 delete lines 18 through 19 and insert the following:

''(5) EFFECTIVE DATES.—

''(A) Except as otherwise provided in subparagraphs (B) or (C), this subsection shall take effect on October 1, 2000.

''(B)(i) With respect to driver's licenses or identification documents issued by States that issue such licenses or documents for a period of validity of six years or less, Paragraphs (1) and (3) shall apply beginning on October 1, 2000, but only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law.

''(ii) With respect to driver's licenses or identification documents issued in States that issue such licenses or documents for a period of validity of more than six years, Paragraphs (1) and (3) shall apply—

''(I), during the period of October 1, 2000 through September 30, 2006, only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law, and

''(II), beginning on October 1, 2006, to all driver's licenses or identification documents issued by such States.

''(C) Paragraph (4) shall take effect on October 1, 2006.''

AMENDMENT NO. 3857

Amend section 118(a)(3) to read as follows:

(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, in consultation with other agencies designated by the President, 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.

AMENDMENT NO. 3858

(Purpose: To amend sec. 118 by providing that the birth certificate regulations will go into effect two years after a report to Congress)

In sec. 118(e), on page 41, strike lines 1 and 2, and insert the following:—

''(6) EFFECTIVE DATES.—

''(A) Except as otherwise provided in subparagraph (B) and in paragraph (4), this subsection shall take effect two years after the enactment of this Act.

''(B) Paragraph (1)(A) shall take effect two years after the submission of the report described in paragraph (4)(B).''

AMENDMENT NO. 3859

Section 118(b)(1) is amended to read as follows:

(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 or license is issued by a State that requires, pursuant to a statute, regulation, or administrative policy which was, respectively, enacted, promulgated, or implemented, prior to the date of enactment of this Act, 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, but not that the number appear on the card.

AMENDMENT NO. 3860

(Purpose: To amend sec. 118 by revising the definition of birth certificate)

In sec. 118(a), on page 40, line 24, after ''birth'' insert:

''of—

''(A) a person born in the United States, or

''(B) a person born abroad who is a citizen or national of the United States at birth, whose birth is''.

AMENDMENT NO. 3861

Amend sec. 118(a)(4) to read as follows:

(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.—(A) not later 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.

(B) Not later than one year after the date of enactment of this Act, the agency designated by the President in paragraph (1)(B) shall submit a report setting forth, and explaining, the regulations described in such paragraph.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary for the preparation of the report described in subparagraph (A).

(5) CERTIFICATE OF BIRTH.—As used in this section, the term ''birth certificate'' means a certificate of birth registered in the United States.

AMENDMENT NO. 3862

Amend section 118(a)(1) is amended to read as follows:

(a) BIRTH CERTIFICATE.—

(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 authorized custodian of record 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 Federal agency designated by the President after consultation with such other Federal agencies as the President shall designate and with State vital statistics offices, and shall—

(i) 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 photocopying, or otherwise duplicating, for fraudulent purposes;

(ii) not require a single design to which the official birth certificate copies issued by each State must conform; and

(iii) accommodate the differences between the States in the manner and form in which birth records are stored and in how birth certificate copies are produced from such records.

(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.

Mr. SIMPSON. Mr. President, these series of amendments deal with a certain issue. They are intended to improve section 118 of the bill which relates to the improvements in the birth certificate and driver's license. These were contained in a single amendment to this section of the bill, and they have been united en bloc.

These amendments in their en bloc form provide for a 6-year phase in of the driver's license improvements. It provides that the agency will develop the new minimum standards for birth certificate copies—the agency designated by the President and not necessarily the Department of Health and Human Services.

The second amendment, or the amendments, eliminate the reference to the phrase ''use by imposters.'' And the purpose here is to remove any implication that fingerprints, or other so-called biometric information will be required. That came up in the debate in committee. I have no desire to go to that intrusive level, and it is not there.

It directs the agency developing the new standards for birth certificate copies not to require a single design. That was part of the debate. Surely we cannot require a single design, and we do not.

All of the States would not have to conform to this, and it directs the agency to take into account differences between the States and how birth records are kept and copies are produced. And it directs the agency developing the birth certificate standards to first consult with other Federal agencies as well as with the States.

It requires the agency developing the minimum standards to submit a report to Congress on their proposed standards within 1 year of enactment, and then it also modifies the definition of ''birth certificate'' to clarify that it includes the certificate of a person born abroad who is a citizen at birth if the birth is registered in a State.

It also provides new minimum standards for birth certificate copies—copies—which will be in effect beginning 2 years after the report to Congress by the agency developing the standards. And it makes a technical amendment to part of the driver's license provision so that it will more accurately reflect the agreement between Senator KENNEDY and I during the Judiciary Committee markup.

That is the essence of the material, but let me add this. The amendment would phase in the bill's requirements for the improved driver's licenses and State issued ID documents over 6 years beginning October 1, 2000, the year suggested by the National Governors' Association.

Under my amendment, the improved format would be required only for new or renewed licenses or State issued ID documents with the exception of licenses or documents issued in one State where the validity period for licenses is twice as long—12 years—as that in States with the next longest period. This one State would have 6 years to implement the improvements. This is an accommodation that Senator KENNEDY is aware of. His State has some very interesting and sweeping legislation with regard to licenses.

Furthermore, the bill's provision that only the improved licenses and documents could be accepted for evidentiary purposes by Government agencies in this country would under the amendment I am now proposing not be effective until 6 years after the effective date of the legislation.

I wish to give Senator KENNEDY an appropriate time to respond before the hour of 12:30 when by previous order we will recess, but what we have tried to do is remind our colleagues once again that fraud resistant ID documents will not only make it possible for an effective system of verifying citizenship or work authorization but also greatly reduce illegal immigration.

The amendment is in response to the CBO estimate of the current requirement that these documents be implemented prior to October 1, 1997. The additional costs of replacing all licenses and ID documents by 1998, including those that would otherwise be valid for an additional number of years, would be eliminated. So instead of costing $80 to $200 million initially, plus $2 million a year thereafter, CBO estimates that the total cost of all the birth certificate and driver's license improvements would be $10 million to $20 million incurred over 6 years, and the CBO has written a letter to me confirming that fact. I ask unanimous consent it be inserted in the RECORD at this time.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 15, 1996.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As requested by your staff, CBO has reviewed a possible amendment to S. 1664, the Immigration Control and Financial Responsibility Act of 1996, which was reported by the Senate Committee on the Judiciary on April 10, 1996. The amendment would alter the effective date of provisions in section 118 that would require states to make certain changes in how they issue driver's licenses and identification documents. The amendment would thereby allow states to implement those provisions while adhering to their current renewal schedules.

The amendment contains no intergovernmental mandates as defined in Public Law 104–4 and would impose no direct costs on state, local, or tribal governments. In fact, by delaying the effective date of the provisions in section 118, the amendment would substantially reduce the costs of the mandates in the bill. If the amendment were adopted, CBO estimates that the total costs of all intergovernmental mandates in S. 1664 would no longer exceed the $50 million threshold established by Public Law 104–4.

In our April 12, 1996, cost estimate for S. 1664 (which we identified at the time as S. 269), CBO estimated that section 118, as reported, would cost states between $80 million and $200 million in fiscal year 1998 and less than $2 million a year in subsequent years. These costs would result primarily from an influx of individuals seeking early renewals of their driver's licenses or identification cards. By allowing states to implement the new requirements over an extended period of time, the amendment would likely eliminate this influx and significantly reduce costs. If the amendment were adopted, CBO estimates the direct costs to states from the driver's license and identification document provisions would total between $10 million and $20 million and would be incurred over six years. These costs would be for implementing new data collection procedures and identification card formats. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. SIMPSON. So with respect to birth certificates, the bill already requires, the bill we are debating, that as of October 1, 1997 no Federal agency—and no State agency that issues driver's licenses or ID documents—may accept for any official purpose a copy of a birth certificate unless it is issued by a State or local government rather than a hospital or nongovernmental entity, and it conforms to Federal standards after consultation with the State vital records officials. The standards would affect only the form of copies, not the original records kept in the State agencies.

The standards would provide for improvements that would make the copies more resistant to counterfeiting and tampering and duplicating for fraudulent purposes. An example is the use of safety paper, which is difficult to satisfactorily copy or alter.

There is no requirement in this bill that all States issue birth certificate copies in the same form, but in response to concerns that some have expressed the amendment I now propose explicitly to require that the implementing regs not mandate that all States use the single form for birth certificate copies and require the regs to accommodate differences among the States in how birth records are kept and how copies are produced.

These are the things that this provides. There is more. We will discuss it in further depth after we return from recess for our caucuses. But these are modifications suggested by the Governors and some of my colleagues, and the real issue is a very simple one. Birth certificates are the breeder document. You get the birth certificate—you can get it by reading the obituaries. Read the obituaries and write for the birth certificate—no proper certifications.

I yield to my colleague for any time he would wish on this or any other matter.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just a brief comment on this measure. I think that Senator SIMPSON has made several valuable changes in the bill on the driver's licenses and birth certificates. I strongly support his proposal in this area to alleviate the concerns that the provisions amounted to an unfunded mandate. He has addressed those issues.

In addition, Senator SIMPSON has made important changes in the provision on the birth certificates. The amendment instructs the HHS, when issuing the guidelines for birth certificates, to not require birth certificates to be one single form for every State, and the other measures he has outlined.

This is a difficult issue for many, but it is an absolutely essential one. We are not serious in trying to deal with illegals unless we get right back to the breeder document, which Senator SIMPSON has done, and also in terms of a verification program, which we will have an opportunity to debate, and also in terms of the Border Patrol. Those are the essential aspects.

That is where the target is. Jobs are the magnet. This helps provide assurances that illegals are not going to get the jobs and legals, legal Americans will be protected. This is an extremely important provision. It is a difficult one and we will have a chance to address some of the related matters later in the afternoon.

Just very briefly, Mr. President, on some of the matters that were talked about earlier, I know my good friend from New Mexico talked about the SSI issues and also about how legals have moved into this process and have been drawing down on the program.

This issue of deeming has worked effectively with the SSI, and Senator SIMPSON has addressed that issue as presented in the SSI because it will go on for some 10 years—10 years. The deeming is an effective program, and it will go on for a period of 10 years.

So the principal concerns that the Senator from New Mexico has as has been pointed out here will be addressed in the Simpson program. Many of us are looking at other measures where we think the deeming should not be applicable and that is to try and ensure that legal immigrants are going to be treated identically to illegal immigrants for what are basically programs that will have an impact on the public health.

My good friend from Wyoming says we ought to deem those, too. The principal fact is when you deem those programs, deeming is effective and that gets people out of the programs. We do not want children with communicable diseases out of the program. We want them to be immunized. We want them to have the emergency care so that they will not infect other children. There is a higher interest, I would say, in those limited areas. The House of Representatives has recognized it as we do.

And then in the second proposal that I have put forward we recognize the importance of protecting expectant mothers, children and the veterans. Out of the $2 billion, it is $125 million. Again I think for those who have served under the colors of the United States, they ought to have at least some additional consideration as well as children. But we will have an opportunity to address those later on in the afternoon.

I see my colleague rising. I ask unanimous consent to be able to proceed for another 15 minutes.

Mr. SIMPSON. I think that would be all right.

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

Mr. KENNEDY. Mr. President, there were two other items. We have tried to

move this process along. I had hoped that we would be able to go back and forth, we would have one from one side, one from the other, and be able to intersperse my own amendments in with others. But as often happens around here, our colleagues are committed to important hearings over the course of the morning, so I will just finalize the last two amendments that I have. And then we will have an opportunity to address those in the postlunch period. That will conclude the debate on that.

Mr. President, I ask the current amendment be temporarily set aside. I will send——

Mr. SIMPSON. Mr. President, may I just enter this unanimous-consent request, to correct the withdrawal moments ago?

AMENDMENTS NOS. 3853 AND 3854, EN BLOC

Mr. SIMPSON. Let me ask unanimous consent the pending amendment be set aside temporarily, and ask unanimous consent amendments 3853 and 3854 be considered en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes en bloc amendments numbered 3853 and 3854.

The amendments are as follows:

AMENDMENT NO. 3853

Amend section 112(a)(1)(A) to read as follows:

(A)(i) Subject to clauses (ii) and (iv), the President, acting through the Attorney General, shall begin conducting several local or 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.

(iv) At a minimum, at least one project of the kind described in paragraph (2)(E), at least one project of the kind described in paragraph (2)(F), and at least one project of the kind described in paragraph (2)(G), shall be conducted.

Section 112(f) is amended to read as follows:

(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.—(A) 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.

(B) If the Attorney General makes the determination referred to in subparagraph (A), the Attorney General may require other, or all, employers in the geographical area covered by such project to participate in it during the remaining period of its operation.

(C) The Attorney General may not require any employer to participate in such a project except as provided in subparagraph (B).

——

AMENDMENT NO. 3854

(Purpose: To modify bill section 112 (relating to pilot projects on systems to verify eligibility for employment in the U.S. and to verify immigration status for purposes of eligibility for public assistance or certain other government benefits) to define ''regional project'' to mean a project conducted in an area which includes more than a single locality but which is smaller than an entire State)

Sec. 112(a) is amended on page 31, after line 18, by adding the following new subsection:

''(i) DEFINITION OF REGIONAL PROJECT.—For purposes of this section, the term ''regional project'' means a project conducted in a geographical area which includes more than a single locality but which is smaller than an entire State.''.

AMENDMENT NO. 3829

(Purpose: To allocate a number of investigators to investigate complaints relating to labor certifications)

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask the pending amendment be temporarily set aside and it be in order to consider my amendment.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3829.

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

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

The amendment is as follows:

On page 8, line 17, before the period insert the following: ''except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application''.

Mr. KENNEDY. Mr. President, under my amendment, up to 150 of the 350 Department of Labor wage and hour investigators authorized in the bill will be assigned the task of ensuring that employers seeking immigrant help do so according to our laws.

This amendment simply takes the same enforcement authority that is available to the Labor Department in the temporary worker program and makes it available to the permanent worker program. It does not create anything new. Enforcement activities covered under my amendment include the investigations of cases where there is a reasonable cause to believe the employer has made a misrepresentation of a material fact on a labor certification application. These enforcement activities are vital to reduce the number of immigrant and nonimmigrant victims of illegal immigration practices.

There is no better example of the need for better DOL enforcement than in the recruitment area. For example, employers currently are required to recruit U.S. workers first, bringing in permanent immigrants, but the recruitment process result is the hire of a U.S. worker only 0.2 of the time. A recently released report of the Department of Labor's inspector general shows recruitment in the permanent employment program is a sham.

Another example, the IG reports that during one 6-month period, 28,000 U.S. applicants were referred on 10,000 job orders and only 5 were hired.

I have other amendments to address these problems. At the minimum, what we should do is increase our capacity to enforce our current law.

That is it basically. It is a pretty straightforward issue. We discussed this issue in general terms during the course of the amendment debate.

Mr. President, I ask it be in order to temporarily set aside the existing amendment.

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

AMENDMENT NO. 3816

(Purpose: To enable employers to determine work eligibility of prospective employees without fear of being sued)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3816.

The amendment is as follows:

On page 37 of the matter proposed to be inserted, beginning on line 12, strike all through line 19, and insert the following:

(a) IN GENERAL.—Paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

''(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

''(A) IN GENERAL.—For purposes of paragraph (1), a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or

other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

''(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

''(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).''.

(b) LIMITATIONS ON COMPLAINTS.—Section 274B(d) (8 U.S.C. 1324b(d)) is amended by adding at the end the following new paragraph:

''(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENT ABUSE CASES.—

''(A) IN GENERAL.—Subject to subsection (a)(6) (A) and (B), if an employer—

''(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

''(ii) maintains a copy of such documents in an official record, and

''(iii) such documents appear to be genuine, the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a complaint under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

''(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6) (A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.''.

(c) GOOD FAITH DEFENSE.—Section 274A(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term ''knowledge'' as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.''.

Mr. KENNEDY. Mr. President, this proposal goes to the heart of the dilemma that employers feel they are facing in the hiring of employees, many of whom speak with a different tongue, maybe have a skin color that is different from others. Many employers feel they are caught between a rock and a hard place. If they are too vigilant about ensuring they do not hire illegal aliens, they get charged with discrimination. If they are not vigilant enough, they get socked with employer sanctions.

This amendment eliminates that dilemma by amending both the employer sanctions and the document abuse provisions. For the first time, there is now explicit language guaranteeing that if the employers follow a few simple rules, they cannot be held liable under either the employer sanctions provisions or the document abuse provisions.

Here are the simple rules: As long as an applicant produces a document from the accepted list of documents—that will be the reduced list, the six that will be as a result of this bill —and the document appears authentic, the employer cannot ask for additional documents to prove employment eligibility.

If the employer follows these simple rules, my amendment contains explicit language ensuring that the employer is off the hook for employer sanctions on discrimination. If the applicant provides one of the six documents, and it is authentic or looks to be authentic and that person is hired, then effectively this provision will be a good-faith response to any charge that there was any intentional kind of discrimination against that individual.

The document abuse provision now states if the employer follows these rules, the Justice Department ''shall not bring an action alleging a violation of this section.'' These are entirely new provisions. Everybody agrees there is a serious problem against foreign-looking and foreign-sounding American citizens and legal immigrants. Everybody agrees also, and studies have confirmed, that employer sanctions have been used to discriminate.

The most widely utilized procedure is when employers see or understand that a Puerto Rican is applying and they ask for the green card. They ask for the green card, the Puerto Rican does not have a green card because he or she is a U.S. citizen, and, therefore, they discriminate against those individuals.

What this would say is, if the individual provided any of the six, then that effectively ensures that the employer will not be subject to the charge of discrimination. It basically resolves, I think, in a very important way, the employer and the applicant's interest.

It makes no sense to enact a provision that everyone knows can lead to possible problems of discrimination. The problems are document fraud and the pressure created by the employers by the employer sanction provisions. We already addressed the document fraud problem elsewhere in the bill. We are reducing the number of applicable documents from 29 to 6, and we are making it harder for criminals to manufacture the phony document.

This amendment eliminates the pressure on employers created by employer sanctions provisions. It also provides protections for the applicants. I think it is a preferable way of dealing with this particular issue. We had discussion on this in the committee and we did not accept these provisions, but it does seem to me that they meet the challenge of protecting us against discrimination and, also, against the employer being subject to employer sanctions.

Those are the principal items. As I said, we have had a good opportunity. The members of the Judiciary Committee are familiar with these measures. We have been on the legislation for a few days. These measures are complex, they are difficult, but they are enormously important because they reach the issues of discrimination. In the last instance, they reach the whole question about the assurance that we are going to give adequate notice for Americans when there are job openings so they can be protected, their interests can be protected, and we can ensure that when there are openings for American workers and they are qualified, that they are going to be able to gain the employment and there is not going to be a circuitous way to effectively undermine the interests of workers.

What we have found is that, in so many instances, when there is a hiring of a foreign worker the salaries go down and other benefits go down for that worker, so the American worker, first of all, does not get the job. And, then, if the foreign worker gets paid less, which means that an American company on the one hand is competing with this company and the second company has an advantage because they are paying their foreign workers less, and therefore they have a competitive advantage, the American workers at the second company lose their jobs, too.

So we want to try, to the extent we can, to make sure the current law is being enforced. When we come back to the issues of legal immigration, we will have an opportunity to address some of those items, which I think are very, very high priority.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I have just 5 minutes remaining. We will, of course, return to these issues. I appreciate the cooperation of my friend from Massachusetts.

The first amendment at the desk—I do not recall the number, but the one on enforcement of labor conditions—is similar to the one my colleague offered at a subcommittee markup.

It concerned me then because of the broad grant of power that it makes to the Secretary of Labor to bring employers before a tribunal, demand various kinds of information and assess substantial penalties, and I remain very concerned about the same problems in this amendment.

He has argued that it provides investigative authority to the Department

of Labor in H–1B nonimmigrant cases, indicating this simply provides similar investigative authority to the Department of Labor as in labor certification cases, but in this amendment, the DOL can initiate its own investigations. It is given authority under section 556 of title V which it does not have in H–1B cases. There is an array of penalties and remedies that is greater than that in 212. I certainly think it would not be appropriate, and I would speak against it.

Quickly, with regard to the amendment dealing with the ''intent standard,'' I oppose that amendment. I have heard many more horror stories from employers who, when trying in absolute good faith to avoid hiring illegal aliens, have for one reason or another required more documents than the law requires or the wrong documents or fail to honor documents that appear to be genuine.

Here is a common scenario. We often hear scenarios of the aggrieved. Here is one.

A worker initially submits an INS document showing time-limited work authorization. At a later verification, however, the same employee produces documents with no time limitation—for example, a Social Security card—to show work authorization and a driver's license to show identity, both of which the employer knows are widely available in counterfeit form. What is the employer supposed to do?

Under current law, if the employer asks for an INS work authorization, he or she can be fined, for a first offense, up to $2,000 per individual. Yet, if the employer continues to employ the individual, he or she will be taking the chance of unlawfully hiring an illegal alien. Remember that compliance with the law requires an employer to act in good faith. Would there be good faith under such suspicious circumstances?

Furthermore, in hiring the individual, the employer would be facing the possibility of investing considerable time and resources, including training, in an individual whom the INS might soon force the employer to fire. There is also the loss of the work opportunity for the legal U.S. worker, people we speak of here.

In another example, a college recruiter cannot ask a job applicant, ''Do you have work authorization for the next year?'' That is discrimination because it would discriminate against asylees or refugees with time-limited work authorization. A recruiter may only ask, ''Are you permitted to work full-time?''

Employers cannot even ask an employee what his or her immigration status is. An employer may only ask, ''Are you any of the following? But don't tell me which.''

I oppose any kind of employment discrimination, always have throughout the whole course of years. Employers who intentionally discriminate in hiring or discharging are breaking the law. Scurrilous. But I do not believe it fair to fine the employers who are trying in good faith to follow the law.

Under this amendment, law-abiding employers would continue to be threatened with penalties. The amendment says an employer may not ask for different documents, even when the employer has constructive knowledge that the applicant's documents are likely to be false; must reverify an employee if their time-limited work authorization expires, and must accept documents provided; and will be fined for employer sanctions or unfair discrimination unless he or she asks for any specific documents from the alien. This is the same as current law, and I think this is unacceptable.

We will review and discuss it further. I will have further comments. But I believe, under the previous order, that we will now proceed to regular order with the direction of the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:15 p.m. today.

Thereupon, at 12:44 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, on behalf of the leader, I ask unanimous consent that the previously scheduled vote now occur at 2:45 today under the earlier conditions, and time between now and then be equally divided.

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

Mrs. HUTCHISON. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, it had been our intention to start voting at 2:15, but at least one of our colleagues—maybe more—is involved in heavy, heavy traffic and trying to reach the Capitol in time for the votes. We have agreed to set aside those votes. What we are trying to do now, to accommodate our colleagues who cannot reach the Capitol now, is take up a couple of more amendments and have those votes along with the other votes that we have already agreed to.

I think Senator ABRAHAM on our side has an amendment, and we will ask him to come to the floor and present that amendment. Maybe Senator SIMON on the other side will have an amendment.

REPEAL OF THE GAS TAX

Mr. DOLE. Mr. President, let me also indicate something that it is not a part of this bill. It is still our intention to work out some procedure where we can take up repeal of the 4.3-cent gas tax. That is a matter of about $4.8 billion per year. It is our intention to repeal it until the end of the year and work on a permanent repeal during the budget process.

We believe, with the skyrocketing prices of gasoline, jet fuel, and other fuels, that the most certain way to give consumers relief is to repeal the gas tax. That was part of the 1993 $265 billion tax increase President Clinton proposed, which did not receive a single Republican vote in the House or Senate. A permanent repeal of the gas tax is about $30 billion.

So what we hope to propose, and hopefully on a bipartisan basis, at the appropriate time, is to go ahead and repeal the gas tax for the remainder of this year and try to get this done before the Memorial Day recess and deal with permanent repeal during the budget process. Of course, we would have to find offsets and pay for the repeal. It seems to me that we should do that as quickly as we can before the summer driving season starts in earnest.

Mr. KENNEDY. Mr. President, I know the majority leader wants to get on with the measures. We have been in touch with Senator SIMON and others. I understand Senator SIMON is coming to the floor, and others. I will just mention that, just as the leader wants to get on to the issues in terms of the gas tax, many of us would still like to get on with the issues of the minimum wage increase. That, I think, is something we are all interested in. We are all interested in different matters, and that has been outstanding for some period of time.

As I have indicated earlier, I hope that after we finish all of these amendments, while it is open for amendment, we would at least have the opportunity to offer it under the underlying bill. I know that the majority leader has not looked kindly on that in the past. But I wanted to at least make sure that we all understood at least what we were going to attempt to do.

Mr. DOLE. Mr. President, let me indicate to the Senator from Massachusetts that we have discussed not only minimum wage, but maybe even coupling these two items, joining the two, repeal of the gas tax and maybe the minimum wage, some increase. We talked about a lot of different options and we have not reached a decision. I can assure the Senator that he will be one of the first to know once we have reached a resolution.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

THE GAS TAX

Mr. BREAUX. Mr. President, I will make a quick comment regarding the comments that the leader made on a repeal of the so-called gas tax of 1993, the 4.3 cents.

Well, I think that if you look back in history, when we passed that 4.3 cents, after it was passed, the price of gas at the pump was actually lower than before we passed the tax. It is something called supply and demand, which I had thought the folks on this side of the aisle were particularly enthusiastic about. It is very clear that there are market forces at work here. Repealing the Federal 4.3 cent tax on gasoline of 1993 is certainly no guarantee that that is going to mean a 4.3 cent lower price at the pump for the citizens of this country, unless someone is going to start mandating to private industry what the price of fuel is going to be that they sell.

I point out, if we remember history, last year at this time, between the months of April and May, the price of gas rose about 6 cents a gallon because of greater use and higher crude oil prices in the world. During the middle of the summer and toward the latter summer, gas prices started coming down because of supply and demand. At the end of the year, in December, the price of gas in the country averaged about $1.16 a gallon. All of last year, in 1995, the price of gas at the pump for the whole year averaged the lowest it had been since we started recording the price of gasoline in real terms in this country—lower in real terms than it was per gallon in 1920.

All of that, I suggest, has a great deal more to do with the price of crude oil in the world. The fact that we had about a 6- to 8-percent increase in heating oil production because of a colder winter, and also because of the fact that we are now driving faster because of actions of this Congress, when we increased the miles per hour people could drive, the speed limit, up to the higher levels that we now see throughout the country.

So I just say that if anybody can guarantee that any time we reduce the gas tax it means a lower price at the pump, I think we would be willing to look at it. I do not think history proves that. I think we ought to know where we are going before we start off in what I think is a political direction.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. 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 OF 1996

The Senate continued with the consideration of the bill.

Mr. SIMON. Mr. President, I ask unanimous consent that the present amendment be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3809 TO AMENDMENT NO. 3743

(Purpose: To adjust the definition of public charge)

Mr. SIMON. 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 Illinois [Mr. SIMON] proposes an amendment numbered 3809 to amendment No. 3743.

Mr. SIMON. 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:

In Section 202(a), at page 190, strike line 16 and all that follows through line 25 and insert the following:

''(v) Any State general cash assistance program.

''(vi) Financial assistance as defined in section 214(b) of the Housing and Community Development Act of 1980.''.

Mr. SIMON. Mr. President, my amendment conforms the Senate amendment to a similar provision in the House amendment in terms of being eligible for deportation if you are here illegally and you use Federal programs of assistance.

Under the Senate bill, an immigrant receiving public assistance for 12 months within his first year in the United States may be deported as a public charge. That would include, for example, higher education assistance. The Presiding Officer, the Senator from Indiana, is on the Labor and Human Resources Committee. If a legal resident came in and got job training, under this amendment, unless we conform it to the House amendment, that would make you subject to deportation. If one of your children got into Head Start, that would do it.

My amendment would make this bill precisely like the House bill and limit the assistance to the basis for deportation to AFDC, SSI, and, frankly, SSI is the program that is being abused. As to the other welfare programs, legal immigrants to our country use these programs less than native-born Americans. But my amendment would limit the AFDC, SSI, food stamps, Medicaid, housing, and State cash assistance.

I think it makes sense. I cannot imagine any reason for opposition. But I see my friend from Wyoming is not on the floor right now. I am not sure what his disposition may be on this amendment. But I would be happy to answer any questions that my colleagues have.

Mr. President, if no one else seeks the floor, I ask to set aside my amendment so that I may offer a second amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3810 TO AMENDMENT NO. 3743

(Purpose: To exempt from deeming requirements immigrants who are disabled after entering the United States)

Mr. SIMON. 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 Illinois [Mr. SIMON] proposes an amendment numbered 3810 to amendment No. 3743.

Mr. SIMON. 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:

In section 204, at page 201, after line 4, insert the following subparagraph (4):

(4) ALIENS DISABLED AFTER ENTRY.—The requirements of subsection (a) shall not apply with respect to any alien who has been lawfully admitted to the United States for permanent residence, and who since the date of such lawful admission, has become blind or disabled, as those terms are defined in the Social Security Act, 42 U.S.C. 1382j(f).

Mr. SIMON. Mr. President, I see my colleague from California, who has greater concern in these areas than any other, for obvious reasons, because of the huge impact on California.

The PRESIDING OFFICER. If the Chair could interrupt the Senator for a moment, the allocated time under the previous unanimous-consent agreement has expired on the Democrat side of the aisle. Time could be yielded from the Republican side of the aisle for the Senator from Illinois to continue.

Mr. SIMON. Mr. President, I confess some lack of understanding of precisely where we are in terms of the parliamentary situation.

The PRESIDING OFFICER. The Senate is operating under a unanimous-consent agreement which provided time equally between the two sides to expire at 2:45. The time allocated to the Democrat side of the aisle has been utilized.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I will be happy on behalf of our side to yield 2 minutes to the Senator from Illinois if that will be helpful.

Mr. SIMON. I thank the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. SIMON. My second amendment simply says—and I will just read it:

The requirements of subsection (a)—

That is deportation.—

Shall not apply with respect to any alien who has been lawfully admitted to the United States for permanent residence and who since the date of such lawful admission has become blind or disabled, as those terms are defined in the Social Security Act.

This amendment, I would add, is supported by State and local governments.

I think there is consensus that while you may want to deport people who are taking advantage of welfare generally, someone who has become totally disabled is in a very different kind of situation.

This exempts them from deeming, not deportation.

Again, our colleague from Wyoming is not here, so I would ask unanimous consent that it also be set aside while we proceed to vote on the other amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is set aside. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, are we under a time limitation now prior to 2:45 or can we use our own time?

The PRESIDING OFFICER. There are 2½ minutes remaining under the previous time agreement controlled by the majority.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3760

Mr. DODD. Mr. President, I wonder if I might speak in opposition to the Graham amendment for 1 minute while we are waiting.

The PRESIDING OFFICER. Is there objection? The Senator is recognized to speak for 1 minute.

Mr. DODD. Mr. President, I thank my colleagues.

I just did not realize the language of this amendment was coming up. I say to my colleagues here—and I suspect this may carry fairly overwhelmingly—I hope people understand this applies to illegal aliens, not legal aliens. So you illegally arrive anywhere in the United States from Cuba. You are given a status we do not give anywhere else in the world. You arrive from the People's Republic of China. You do not get this status. You arrive from North Korea. You do not get this status. You arrive from Vietnam, still a Communist country. You do not get this status.

So here we are taking one fact situation, no matter how meritorious people may argue, and applying a totally different standard here for one group of people and not to others. If you come to this country from the People's Republic of China, you have lived under an oppressive government, and we are making a case here that if you come out of Cuba, even as an illegal, that you get automatic status here. Why do we not apply that to billions of other people who live under oppressive regimes?

I would say as well, in 30 additional seconds, if I may, Mr. President.

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

Mr. DODD. Mr. President, I would say to my colleagues, the people of Florida, too, I might point out, have their economic pressures as well. Frankly, having people just show up and all of a sudden given legal status automatically by arriving, I think is creating incredible pressures there. And if we are going to do it there, then I would suggest we go to another place.

I urge that this amendment be rejected, come back with an amendment that covers people who come from all Communist governments, not just this one. If we are truly committed to that, then people all over this globe who live under that kind of system ought to be given the same status.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the vote occurs on amendment No. 3760, offered by the Senator from Florida [Mr. GRAHAM]. The vote occurs on the conditional repeal of the Cuban Adjustment Act, on a democratically elected government in Cuba being in power. The yeas and nays have been ordered.

Mr. GRAHAM. Mr. President, under the unanimous consent, was there not an opportunity for a minute to present the amendment prior to the vote?

The PRESIDING OFFICER. It was the understanding of the Chair that that time was subsumed within the additional 30 minutes allocated for debate. Without a unanimous-consent request and agreement——

Mr. GRAHAM. I would ask unanimous consent for 1 minute on the amendment prior to the vote.

Mr. SIMPSON. Mr. President, I think it would be appropriate to each take 1 minute, and I would like to do that.

The PRESIDING OFFICER. Is there objection? Without objection, the time will be equally divided, 1 minute each, between the majority and minority.

Mr. GRAHAM. Mr. President, I urge my colleagues to listen to this because there have been some myths and misstatements with regard to the Cuban Democracy Act. The Cuban Democracy Act, which has been the law of this land since November 2, 1966, explicitly states that it only applies to aliens who have been inspected and admitted or paroled into the United States. You do not get the benefit of the Cuban Adjustment Act unless you are here under one of those legal status conditions, have been here for a year, request the Attorney General to exercise her discretionary authority, and she elects to do so.

That is what the current law is. That is the law which I believe should continue in effect until there is a certification that a democratic government is now in control of Cuba. The law was passed for both humanitarian and pragmatic reasons, to provide a means of expeditious adjustment of status of the thousands of persons who are coming from a Communist regime, not halfway around the world but 90 miles off of our shore. The simple reason that was relevant in 1966 is applicable in 1996, and therefore the law should be retained until democracy returns to Cuba.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, it was never referred to as the Cuban Democracy Act. There is no such provision. It was passed to allow the adjustment of hundreds of thousands of Cubans fleeing Castro's communism. They were welcomed with open arms. We have done that. They were given parole. They needed a means to adjust.

You can come here legally and violate your tourist visa, stay for a year, and you get a green card. You can come here on a boat illegally and after 1 year get a green card. We do not do that with anyone else in the world, and we are trying to discourage irregular patterns of immigration by Cubans. We expect them to apply at our interest section in Havana.

We do not need it. It is a remnant of the past. We have provided for the Cubans. Please hear this. We have provided in this measure for the Cubans coming under the United States-Cuba Immigration Agreement that was entered into between President Clinton and the Cuban Government. We should repeal it. It discriminates in favor of Cubans to the detriment of all other nationalities.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment, No. 3760, offered by Senator GRAHAM of Florida. 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 Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER (Mr. FRIST). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 62, nays 37, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—62

Abraham	Glenn	Mack
Baucus	Gorton	McCain
Bennett	Graham	McConnell
Biden	Gramm	Mikulski
Bond	Gregg	Murkowski
Bradley	Hatch	Nickles
Breaux	Heflin	Nunn
Bryan	Helms	Pressler
Burns	Hollings	Pryor
Cohen	Hutchison	Reid
Conrad	Inhofe	Robb
Coverdell	Kempthorne	Rockefeller
Craig	Kerrey	Santorum
D'Amato	Kerry	Sarbanes
DeWine	Kohl	Smith
Dole	Kyl	Snowe
Domenici	Lautenberg	Specter
Dorgan	Leahy	Stevens
Faircloth	Lieberman	Thomas
Ford	Lott	Warner
Frist	Lugar	

NAYS—37

Akaka	Exon	Moseley-Braun
Ashcroft	Feingold	Moynihan
Bingaman	Feinstein	Murray
Boxer	Grams	Pell
Brown	Grassley	Roth
Bumpers	Harkin	Shelby
Byrd	Hatfield	Simon
Campbell	Inouye	Simpson
Chafee	Jeffords	Thurmond
Coats	Johnston	Wellstone
Cochran	Kassebaum	Wyden
Daschle	Kennedy	
Dodd	Levin	

NOT VOTING—1

Thompson

So the amendment (No. 3760) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I believe under the previous order we now go to the next amendment with a 1 minute explanation on each side. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 3803

Mr. GRAHAM. Mr. President, the second amendment relates to the issue of deeming, that is, counting the income of the sponsor to that of the alien. Under the current law there are three categories in which this is done: SSI, food stamps, and aid to families with dependent children. What is significant is that under the current law, each instance of deeming is specifically listed. Under the legislation that is before us, there is a vague standard which says, ''Any program which is in whole or in part funded with Federal funds shall be deemed.''

There are literally hundreds, maybe thousands, of those types of programs. This amendment speaks to the principle, let us continue the policy of specifically listing all of those programs that we intend to be deemed. We have suggested 16 programs to be deemed. It is open for amendment if others wish to offer additional programs to be deemed. But let us not leave this matter open-ended and as obscure as it is in the legislation that is before us.

Mr. SIMPSON. Mr. President, the question here is, who should pay for assistance to a new immigrant? Should the sponsor who brought the person in the United States and made the promise, the affidavit of support, or should the taxpayer? The bill before the Senate requires that all means tested—I am talking only about means-tested welfare programs—include the income of the sponsor, the person who promised their relative would never use public assistance, when determining whether a new arrival is eligible for assistance.

That is as simple as it can be. The only exceptions are for soup kitchens, school lunch and WIC. That is it. This truth in application, that is it. The U.S. Government expects sponsors to keep their promises to care for their immigrant relatives.

The Graham amendment would gut the provisions of this bill, would limit sponsored-alien deeming to only SSI, AFDC, food stamps, and public housing programs, that being almost unchanged from current law. It would exempt Medicaid, job training, legal services, a wide range of other multibillion-dollar noncash welfare programs from welfare provisions in the bill. I oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3803. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—36

Akaka	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Heflin	Murray
Bumpers	Hollings	Pell
Byrd	Inouye	Pryor
Chafee	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Lautenberg	Specter
Dorgan	Leahy	Wellstone
Feinstein	Lieberman	Wyden

NAYS—63

Abraham	Faircloth	Lott
Ashcroft	Feingold	Lugar
Baucus	Frist	Mack
Bennett	Gorton	McCain
Biden	Gramm	McConnell
Bond	Grams	Murkowski
Bradley	Grassley	Nickles
Brown	Gregg	Nunn
Bryan	Harkin	Pressler
Burns	Hatch	Reid
Campbell	Hatfield	Robb
Coats	Helms	Roth
Cochran	Hutchison	Santorum
Cohen	Inhofe	Shelby
Coverdell	Jeffords	Simpson
Craig	Johnston	Smith
D'Amato	Kassebaum	Snowe
DeWine	Kempthorne	Stevens
Dole	Kohl	Thomas
Domenici	Kyl	Thurmond
Exon	Levin	Warner

NOT VOTING—1

Thompson

The amendment (No. 3803) was rejected.

Mr. SIMPSON. Mr. President, 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.

Mr. SIMPSON. Mr. President, I ask unanimous consent that in accordance with the provisions of rule XXII the following Senators be considered as having yielded time under their control as follows: Senator THURMOND and Senator COHEN yield 60 minutes each to Senator SIMPSON; Senator NICKLES and Senator COCHRAN yield 60 minutes each to Senator DOLE; Senator AKAKA and Senator PELL yield 60 minutes each to Senator KENNEDY; Senator FORD and Senator ROCKEFELLER yield 60 minutes each to Senator DASCHLE.

The PRESIDING OFFICER. The Senators have that right.

AMENDMENT NO. 3871, AS MODIFIED

Mr. SIMPSON. Mr. President, I ask unanimous consent to make a modification to correct a drafting error in amendment 3871. That amendment was offered and accepted by the Senate this morning. I ask unanimous consent to modify it as indicated in the copy I am sending to the desk. I have reviewed that with my colleague.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment (No. 3871), as modified, is as follows:

Section 204(a) is amended to read as follows:

(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 Federal program of assistance, or any program of assistance funded in whole or in part by the Federal Government, for which eligibility for benefits is based on need, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, except as provided in section 204(f), be deemed to be the income and resources of such alien.

ORDER OF PROCEDURE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a resolution I now send to the desk on behalf of Senator D'AMATO relative to the extradition of the murderer of Leon Klinghoffer.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I do not want to and will not object, and hopefully we will move right to that. I wanted to ask, just for the sake of the Senate, if we could take a moment on what the schedule is.

Mr. SIMPSON. Mr. President, I further ask unanimous consent that there be 10 minutes for debate to be equally divided in the usual form.

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

Mr. SIMPSON. I further ask that the vote occur on adoption of the resolution immediately following the use or yielding back of time and that no amendments or motions be in order.

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

Mr. SIMPSON. And before that procedure, let me just review matters. At the conclusion of this proceeding, Senator KENNEDY will go to the amendments which were discussed this morning, the deeming-parity amendment, which are two en bloc, and the Kennedy Medicaid amendment. There will be two rollcall votes obviously. There will be the vote on the Klinghoffer matter apparently, and then we will go to further debate, if any, on the two Kennedy amendments. But those will be coming shortly, I would believe. I think that debate is pretty well concluded.

Then we will go to the debate on the driver's license issue. This is not about verification. This is about driver's licenses. The language of the committee amendment and the amendment at the

desk is much different. In this amendment we have relieved the burdens of some national standard card; we have relieved the burdens of the unfunded mandate, and that debate will take place. I urge all who wish to engage in that to be prepared for that scenario. I yield to my friend and colleague.

Mr. KENNEDY. Could I ask for the yeas and nays on amendments 3820 and 3823.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, what I would like to do since, hopefully, those will be the two measures, is maybe just take 2 minutes now and explain them just briefly so that at the end we will vote on the D'Amato resolution and then hopefully vote on these two amendments.

Do I need consent to be able to proceed for 3 minutes? Do I need consent for that now?

Mr. SIMPSON. Mr. President, just a moment.

Mr. KENNEDY. I withdraw my request.

DETENTION AND EXTRADITION OF MOHAMMED ABBAS

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 253) urging the detention and extradition to the United States by the appropriate foreign government of Mr. Mohammed Abbas for the murder of Leon Klinghoffer.

The Senate proceeded to consider the resolution.

Mr. D'AMATO. Mr. President, this resolution is very straightforward and it is long overdue. It calls on the Attorney General of the United States to seek the detention and extradition to the United States of Mohammed Abbas, otherwise known as Abu Abbas.

Abu Abbas was the leader and is the leader of the Palestinian Liberation Front. In October 1985, under his leadership and his plan—and let me tell you what the Italian courts found. They found that the evidence was ''multiple, unequivocal and overwhelming'' that Abbas trained, financed, and chose the targets, as well as the escape, in seizing the *Achille Lauro*. It was his men who killed Leon Klinghoffer and threw his body overboard on October 7, 1985.

When this question was raised to Mr. Abbas just recently, he said that he was sorry. He said it was ''a mistake.'' And then he went on to say that Mr. Klinghoffer, an American citizen from New York, was killed because ''he had started to incite the passengers against [the kidnappers].'' Imagine that, a 70-year-old man, 70 years old, in a wheelchair, totally unarmed, and that is his excuse. And he says it was ''a mistake.''

We owe it to every American citizen, not just to Leon Klinghoffer and to his family, but to every American citizen to say to those cowards, to those murderers who would target U.S. citizens, that they cannot escape justice, that they will be tracked down, that we will seek their extradition, that we will seek their detention, and their eventually being brought to trial for their acts, in this case a cowardly act of killing a man in a wheelchair, a U.S. citizen.

Let me tell you again what the Italian courts found when they tried Abu Abbas in absentia. They said that the evidence was ''multiple, unequivocal, and overwhelming.''

I sent a letter to the Justice Department. I ask unanimous consent it be printed in the RECORD.

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

(See exhibit 1.)

Mr. D'AMATO. I sent a letter to the Attorney General in which I called out for the murderer of Leon Klinghoffer to be extradited, Abu Abbas; that Leon Klinghoffer is entitled to justice, as every American is, and it has been denied, and, indeed, the Attorney General has the duty and obligation to see to it that we look to extradite Abu Abbas, Leon Klinghoffer's murderer.

Let me conclude by saying this. This is a very simple and straightforward case. If we fail to seek justice in this case, then what kind of message do we send to other terrorists who would look to target U.S. interests, U.S. citizens? Are we saying you can get away with this and you can simply offer an apology 10 years from now and say it was a mistake? Is that what we are going to be saying?

I think it is about time the Justice Department of the United States began to live up to its name and seek justice in the case of Leon Klinghoffer.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 26, 1996.

Hon. JANET RENO,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: I am writing to urge you in the strongest terms to seek the immediate extradition of Abu Abbas, the man convicted in an Italian court, in 1986, for the murder of Leon Klinghoffer during the hijacking of the Achille Lauro cruise ship in October 1985. It is absolutely essential that the United States obtain custody of Abbas so that he can stand trial for this brutal murder of a wheelchair-bound innocent American whose body was callously dumped overboard following the murder.

Just this week, Abbas, while attending the meeting in Gaza of the Palestine National Council stated that the killing was ''a mistake'' and that Mr. Klinghoffer was killed because he ''had started to incite the passengers against [the kidnappers].'' This pathetic excuse only reinforces our need to gain his extradition. The fact that he remains free is an insult to the memory of Leon Klinghoffer.

Abbas was convicted by a Genoan Court and sentenced to life in prison, in absentia, for ''kidnapping for terrorist ends that caused the killing of a person.'' The evidence against Abbas, according to the Italian magistrate, was ''multiple, unequivocal, and overwhelming.'' His actions in training and financing for this operation, and in choosing the target, as well as planning the escape, in the eyes of the magistrate, made Abbas guilty of the murder.

Mr. Klinghoffer's murder cries out for justice. For far too long, Abbas has cheated justice. Now it is our duty to locate, apprehend, and return him for trial in this country. Again, I urge you in the strongest of terms, to seek the immediate extradition of Abu Abbas.

Sincerely,

ALFONSE M. D'AMATO,
United States Senator.

Mr. D'AMATO. Mr. President, let me say I have no need for any further time. I am prepared to yield the remainder of my time so we can vote.

May I inquire of the President whether or not I have to ask for the yeas and nays or whether or not that has been agreed to already?

The PRESIDING OFFICER. The yeas and nays have not yet been requested.

Mr. D'AMATO. 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. D'AMATO. Mr. President, I am prepared to yield the remainder of my time.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the resolution.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER (Mr. JEFFORDS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Glenn	McConnell
Biden	Gorton	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Shelby
Coverdell	Kassebaum	Simon
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Daschle	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Warner
Exon	Levin	Wellstone
Faircloth	Lieberman	Wyden

NOT VOTING—1

Thompson

So the resolution (S. Res. 253) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 253

Whereas, Mohammed Abbas, alias Abu Abbas, was convicted by a Genoan Court in June 1986 and sentenced to life in prison, in absentia, for ''kidnaping for terrorist ends that caused the killing of a person'' for his role in the death of an American citizen, Leon Klinghoffer;

Whereas, a report from the Italian magistrate who tried the case against Abbas stated that the evidence was ''multiple, unequivocal, and overwhelming'' and that his actions in training and financing for this operation, and in choosing the target, as well as in planning the escape, made Abbas guilty of the murder;

Whereas, a warrant Abbas' arrest was unsealed in October 1985 charging him with hijacking, and a bounty of $250,000 was offered for his arrest;

Whereas, the Justice Department felt that it did not have the evidence to convict him, and citing the conviction, albeit in absentia by the Italian authorities, cancelled the warrant for his arrest in January 1988;

Whereas, at an April 1996 meeting of the Palestine National Council in Gaza, Abbas described the killing as ''a mistake'' and that Mr. Klinghoffer was killed because he ''had started to incite the passengers against [the kidnappers]'';

Now, Therefore, be it *Resolved,* That it is the sense of the Senate that the Attorney General should seek, from the appropriate foreign government, the detention and extradition to the United States of Mohammed Abbas (also known as Abu Abbas) for the murder of Leon Klinghoffer in October 1985 during the hijacking of the vessel *Achille Lauro.*

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, Senator HATFIELD would like to speak for, I believe, 7 minutes on his own hour with regard to any matter that he might address. Then we will try to do this procedure. We have two Senator KENNEDY amendments. I do not think there will be any extensive—there will be debate, 30 minutes, 40 minutes, with regard to those amendments. Then those two amendments will be considered and taken up back to back.

Then we will lay down and proceed to the amendment, which is already in the mix, with regard to birth certificates and driver's licenses. I cannot describe when that might come to a vote, but that will be the matter of business.

So I urge all who wish to be involved in that debate to please review the complete changed amendment. That is a very different procedure from what was passed out of the Judiciary Committee with regard to driver's licenses, birth certificates, the breeder document that causes the most concern.

So that is the agenda. Then, of course, the time is running, under the constraints after cloture. We will simply proceed. There are many amendments and no time for many persons to do anything but speak very briefly. Some are listed with no particular topic or subject. Some 20 are by one Senator. I hope that the breath of reality will enter the scene with regard to some of those.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

THE CONSTITUTIONAL LEGACY OF LINCOLN HIGH SCHOOL

Mr. HATFIELD. Mr. President, I want to give recognition to a very outstanding group of young people from my State of Oregon, who represent the Lincoln High School of Portland, OR.

Mr. President, as you know, during the bicentennial of the Constitution, there was a commission formed of which Chief Justice Burger of the Supreme Court was chair. I was privileged to serve on that commission. In part of that commission's proceedings, we decided to develop an ongoing project, bringing a focus to the Constitution of the United States amongst the high school students of our country. That started in 1987.

I want to say that that has been a program that I think has certainly been worthy of the investment the Federal Government has made sustaining that program over the years. I suppose you might call it boasting, but I do not really think so. I am merely making a recognition of an extraordinary accomplishment. One high school out of the State of Oregon has not only won the State championship each year of the 9 years of this program, it has finished in the top 10 contestants from high schools from every State in the Union here in Washington, except for 1 year. It had won the national championship 2 years, until last night when it won it for the third time—one high school.

I want to say that this is a high school that is in an urban setting, and it is a high school that draws students from many diverse and social economic backgrounds. The students who compete have varied academic backgrounds, and the team consists of sophomores, juniors, and seniors, and they work together as a team.

The competition these student participated in was rigorous and very meaningful. Students demonstrated their knowledge of the Constitution before simulated congressional committees made up of constitutional scholars, lawyers, journalists, and government leaders. The panel of judges tested the expertise of the classroom teams on a number of significant questions—questions such as, ''How did the values and principles embodied in the Constitution shape American institutions, and what are the roles of the citizens in an American democracy?''

Mr. President, these are questions I still contemplate and struggle with. There is something exciting about a room full of high school students excited themselves about the Constitution, and excited about the Nation's heritage.

Senator PELL and I had the privilege of being with this group from all over the country last night. The students have worked very hard for this honor, and there are a number of people who have helped them make this achievement a reality. Special recognition must go to Marilyn Cover, the State coordinator, and Dan James, the district coordinator for the We the People Program.

I must also recognize the teachers and volunteers who gave up their time to prepare the students. Dave Bailey and Gailen Norsworthy are both teachers at Lincoln High School and coaches for the constitutional team. Also, Chris Hardman and Chuck Sparks, who are attorneys from the local community who volunteered to prepare the students for the legal rigors of the competition. Also, I must single out the principal of Lincoln High School, Velma Johnson. She is proud of these students, and she has been extremely supportive of the We the People Program.

Mr. President, while it takes a number of outstanding individuals to achieve the winning record of Lincoln High School, one individual stands out as the catalyst and mentor for this stellar group of young scholars—Hal Hart. Hal Hart is an attorney by profession. He has a private law practice in Portland, but he takes time out of his busy practice to teach at Lincoln High School. For Hal, this is a labor of love and an opportunity to give back to the community. He teaches the students about the intricacies of the Constitution, and based on the school's record of success, he is obviously a master teacher.

I also want to individually commend the students by placing a list of the participants from all over this country in the RECORD.

I ask unanimous consent that the list be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the Record, as follows:

CLASS ROSTER FOR THE 1995–96 LINCOLN HIGH SCHOOL BICENTENNIAL CLASS ON THE UNITED STATES' CONSTITUTION AND BILL OF RIGHTS

Vasiliki Despina Ariston, age 15; Parents: Dino and Demetra Ariston.

Jereme Rain Axelrod, age 15; Parents: Marilyn Couch and David Axelrod.

Rebekah Rose Cook, age 16; Parents: Jim and Anne Cook.

Tawan Wyndelle Thomas Davis, age 16; Parents: Sylvia Anne Davis.

Amanda Hope Emmerson, age 16; Parents: Ron and Ann Emmerson.

Tiffany Ann Grosvenor, age 16; Parents: John and Jennifer Grosvenor.

William John Hawkins IV, age 17; Parents: Bill and Kit Hawkins.
Soren Anders Heitmann, age 17; Parents: Steve Heitmann and Natasha Kern.
Stacy Elizabeth Humes-Schultz, age 15; Parents: Kathryn Humes and Duane Schulz.
Marissa Tamar Isaak, age 15; Parents: Rabbi Daniel and Carol Isaak.
Heather Brooke Johnson, age 17; Parents: Tony and K.C. Johnson.
Katherine Mace Kasameyer, age 15; Parents: Kace and Jan Kasameyer.
Christopher Michael Knutson, age 18; Parents: Michael and Carol Knutson.
Jeanne Marie Layman, age 18; Parents: Charles and Debbie Layman.
Daniel Hart Lerner, age 17; Parents: Cheryl Tonkin and Glenn Lerner.
Casey James McMahon, age 18; Parents: Patty O'Connor and and Jack McMahon.
Lindsay Katrine Nesbit, age 17; Parents: Lee and Deborah Nesbit.
Gerald William Palmrose, age 16; Parents: David and Sonu Palmrose.
Mary Ruth Pursifull, age 19; Parents: Rajiam and Meidana Pursifull.
Catherine Clare Rockwood, age 16; Parents: Theresa Rockwood and David Rockwood.
Daniel Boss Rubin, age 15; Parents: Susie Boss.
Elizabeth (Liz) Leslie Rutzick, age 16.
Mark Richard Samco, age 16; Parents: Rick and Martha Samco.
Kathryn Denelle Stevens, age 15; Parents: Steve and Janet Stevens.
Simon Brendan Thomas, age 17; Parents: Susan Rosenthal and Bill Thomas.
Miles Mark Von Bergen, age 18; Parents: Paul and Jan Von Bergen.
Lauren Elizabeth Wiener, age 17; Parents: Julie Grandfield and Jon Wiener.
Farleigh Aiken Wolfe, age 17; Parents: Stephen and Jill Wolfe.

Mr. HATFIELD. I must also recognize the program that generates the enthusiasm of the Constitution in these students, the We the People * * * The Citizen and the Constitution features an intensive curriculum, which provides students with a fundamental understanding of the Constitution and the Bill of Rights and the principles and values they embody. The program is designed to promote an understanding of the rights and responsibilities of citizens of our constitutional democracy, and gathered around this particular focus have been more than 22 million students in this country who have participated in the program, at all levels, during the last 9 years—22 million. Developed and administered by the Los Angeles-based Center for Civic Education, the program is funded by the U.S. Department of Education.

In discussing the We the People Program, I want to pay special tribute to my good friend, Senator CLAIBORNE PELL of Rhode Island. Senator PELL's commitment to education is unparalleled in this institution. He is the father of the We the People Program, and he has been actively involved in its activities since its inception. Senator PELL has been a mentor to me and to all of us over the years on the issue of education, as well as other issues. The Senate is going to miss his intellect and pragmatic approach to governing. I want to also thank a gifted member of Senator PELL's staff, David Evans, for all of his hard work in conjunction with the We the People Program and his many years of faithful service.

Mr. President, Lincoln High School has built a dynasty in the We the People Program. This is a dynasty of success, but, most importantly, a dynasty of knowledge—knowledge that will enable them to understand our country's origins and foundations and knowledge that will help them to be better citizens.

Mr. President, I shout from the housetops, congratulations, Lincoln High School. You have made many people, myself included, very, very proud.

Mr. President, I ask unanimous consent to have a list of all the winners of the 1996 competition—the national winner at the top, Lincoln High School; second place, Amador Valley High School, Pleasanton, CA; third place, East High School, Denver, CO; and the following honorable mentions, regional awards, and unit awards—printed in the RECORD.

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

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION—LIST OF 1996 WINNERS

National winner: Lincoln High School, Portland, OR. Second place: Amador Valley High School, Pleasanton, CA. Third place: East High School, Denver, CO.

Honorable mention: Other Top Ten Finalists Team—Alphabetically by State)—Chamblee High School, Chamblee, GA; Maine South High School, Park Ridge, IL; Lawrence Central High School, Indianapolis, IN; St. Dominic Regional High School, Lewiston, ME; East Brunswick High School, East Brunswick, NJ; Half Hollow Hills High School, Dix Hills, NY; and McAllen Memorial High School, McAllen, TX.

Winners of Regional Awards: Best Non-Finalist Team from each Region—Western States: Boulder City High School, Boulder City, NV; Mountain/Plain States: Lincoln Southeast High School, Lincoln, NE; Central States: East Kentwood High School, Kentwood, MI; Southeastern States: Hillsboro Comprehensive High School, Nashville, TN; and Northeastern States: Hampton High School, Allison Park, PA.

Winners of Unit Awards: Best Non-Finalist Team for Expertise in each Unit of Competition—Unit 1 (*Foundations of Democracy*): Johnston High School, Johnston, IA; Unit 2 (*Creation of the Constitution*): Moriarty High School, Moriarty, NM; Unit 3 (*Constitution Shapes Institutions*): Hutchinson High School, Hutchinson, MN; Unit 4 (*Extension of Bill of Rights*): Heritage Christian High School, Milwaukee, WI; Unit 5 (*Protection of Rights*): Shades Valley Resource Learning Center, Birmingham, AL; and Unit 6 (*Role of Citizen*): Joplin High School, Joplin, MO.

Mr. PELL. Mr. President, I merely wanted to rise to express my gratitude to the Senator from Oregon [Mr. HATFIELD] for his kind words. Having worked with him for thirty years, I have great admiration and respect for the gentleman from Oregon. I have come to know and revere him as a man of courage, conscience, and conviction. It is an honor to be a recipient of the We The People award, it makes it doubly an honor to share it with my friend and colleague.

I yield the floor.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, let me go forward with the debate on the Kennedy proposals, so that we might press forward toward the dual votes within the shortest possible period of time. I will simply go to the root of the matter.

Mr. President, with regard to the Kennedy amendment, the American people believe strongly in the principle that immigrants to this country should be self-sufficient. We continue to emphasize this principle, as I said several times today. It has been part of U.S. immigration law since the beginning, and the beginning in this instance is 1882.

There is a continuing controversy on whether immigrants as a whole or illegal aliens as a whole pay more in taxes than they receive in welfare, noncash plus cash support. Or whether that is the case with public education and other Government services, there are experts, if you will, on both sides who say that they are a tremendous drain, and others say they are no drain at all. I have been, frankly, disenchanted by both sides in some respects, especially on the side that says bring everybody in you possibly can because it enriches our country regardless of the fact that some may not have any skills, some may not have any jobs, and without jobs there is poverty, and with poverty the environment suffers in so many ways. But that is another aspect of the debate.

I believe that, at least with respect to immigrant households—this is an important distinction; that means a household consisting of immigrant parents, plus their U.S. citizen children who are in this country because of the immigration of their parents—there is a considerable body of evidence that there is a net cost to taxpayers in that situation. George J. Borjas testified convincingly on this issue at a recent Judiciary Committee hearing.

Mr. President, an even more relevant question, however, may be whether any particular immigrant is a burden rather than immigrants as a whole. I respectfully remind my colleagues that an immigrant may be admitted to the United States only if the immigrant provides adequate assurance to the consular office, the consular officer, and the immigration inspector that he or she is ''not likely at any time to become a public charge.''

Similar provisions have been part of our law since the 19th century, and part of the law of some of the Thirteen Colonies even before independence. In effect, immigrants make a promise to the American people that they will not became a financial burden, period.

Mr. President, I believe there is a compelling Federal interest in enacting new rules on alien welfare eligibility and on the financial liability of

the U.S. sponsors of immigrants in order to increase the likelihood that aliens will be self-sufficient in accordance with the Nation's longstanding policy, and to reduce any additional incentive for illegal immigration provided by the availability of welfare and other taxpayer-funded benefits.

S. 1664 provides that if an alien within 5 years of entry does became a public charge, which the bill defines as someone receiving an aggregate of 12 months of welfare, he or she is deportable. It is even more important in this era that there be such a law since the welfare state has changed both the pattern of immigration and immigration—both the pattern of immigration and immigration—that existed earlier in our history because, before the great network of social systems, if an immigrant cannot succeed in the United States he or she often returned ''to the old country.'' This happens less often today because of the welfare safety net. Many back through the chain of history in my family returned ''to the old country'' because they could not make it here. That is not happening today because of the support systems within the United States.

The changes proposed by the bill clarify when the use of welfare will lead a person to deportability. These changes are likely to lead to less use of welfare by recent immigrants, or more deportation of immigrants who do become a burden upon the taxpayer. One of the ways immigrants are permitted to show that they are not likely to become a public charge is providing an ''affidavit of support'' by a sponsor, who is often the U.S. relative petitioning for their entry under an immigrant classification for family reunification.

You heard that debate when we spoke briefly of numbers and legal immigration. We talked of that. That is what those classifications, or preferences, for family reunification are.

Under current law, sponsors agree to provide support only for 3 years. That is current law. Furthermore, the agreement is not legally enforceable, because it has been ripped to shreds by various court decisions down through the years.

The bill's sponsor provisions are based on the view that the sponsor's promise to provide support, if the sponsored immigrant is in financial need, should be legally enforceable and should be in effect until the sponsor's alien (a) has worked for a reasonable period in this country paying taxes and making a positive economic contribution or (b) becomes a citizen, whichever occurs first.

That is the provision. The bill provides that the maximum period for the sponsor's liability is 40 ''Social Security quarters''—about 10 years—the period it takes any other citizen to qualify for benefits under Social Security retirement and certain Medicare programs.

The bill also provides that deeming of the sponsor's income and assets to the sponsored alien should be required in nearly all welfare programs—all—and for as long as the sponsor is legally liable for support, or for 5 years, a period in which an alien can be deported as a public charge, whichever is longer.

Remember, we are talking about means-tested programs. We are talking about all programs. Yet, amendments make distinctions, and those things have been addressed as we debated. But it is simply not unreasonable of the taxpayers of this country to expect recently arrived immigrants to depend on their sponsors for at least the first 5 years regardless of the specific terms in the affidavit of support signed by their sponsors.

It was only, I say to my colleagues, on the basis of the assurance of the immigrant and the sponsor that the immigrant would not at any time become a public charge that the immigrant was even allowed to come to our country, to come into the United States of America. It should be made clear to immigrants that the taxpayers of this country expect them to be able to make it in this country on their own.

I have heard that continually threaded through the debate—that they come here, they want to make it on their own. We are a great country for that; the most generous on the Earth. They do that, and they do it with the help of their sponsors.

Again, remember, if the sponsor is deceased, or bankrupt, or unable to provide any of the assistance or support, then, of course, the taxpayers step in in a very generous way to do that.

Mr. President, that concludes my remarks with regard to the amendments, unless Senator KENNEDY or others wish to address the issue anew.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Massachusetts is recognized.

Mr. KENNEDY. Thank you very much, Mr. President.

Mr. President, I hope that at some time in the not-too-distant future we might be able to address the two amendments, 3820 and 3823, which I have offered. These amendments are quite different in one respect, but they are also similar in another respect in terms of reflecting what I consider to be the higher priorities of the American people, particularly as focused on children, expectant mothers, and also all veterans.

Let me describe very briefly, Mr. President, our first amendment that we will offer. That is what we call the ''deeming party'' amendments. These amendments ensure that legal immigrants are eligible for the same programs on the same terms as illegal immigrants. My amendment says that legal immigrants cannot be subject to the sponsor deeming public charge provisions in this bill for programs which illegals get automatically and for other programs such as Head Start and public health, with a minor exception for prenatal care. This is the same amendment which was passed in the House of Representatives immigration bill.

Effectively, Mr. President, this amendment tracks what was accepted in the House of Representatives. Why did the House of Representatives accept it? Because they understand, as we understand, that when you put in effect deeming that cuts down on the utilization of the program. That is why we have supported and I support the deeming in the SSI. That is the particular program where there has been the greatest utilization. You have the AFDC and food stamp programs. But the principal reason for deeming is to reduce the utilization of that program, and it is effective.

The House of Representatives has said, look, there are certain public health programs, for example, that we ought to permit the illegals to be able to use. Why? Because if they use those particular programs, this will mean that it is healthier for Americans. They do it not because they want to benefit the illegal children but because they want to protect American children.

What do I mean by that? I am talking about immunization programs. I am talking about emergency health programs—emergency Medicaid, where a child goes into the school, then ends up having a heavy cough, perhaps is denied any kind of attention in the school health clinic because he is illegal, although he should get it, and eventually goes down as an emergency student, stays in the classroom and goes down to the local county hospital and is admitted for TB, and in the meantime, while that child has not had any kind of attention, has exposed all the other American children to the possibility of tuberculosis.

That is true with regard to immunization programs. That is basically the type of issue we are trying to look at. It also includes the school lunch program, saying that if the children are going to be educated, we do not want to ask the teachers to try and separate out the illegal children in school lunch programs. That would be very complicated. It would turn our schoolteachers into really agents of INS. It would have the teachers going around and reviewing documents for each and every child to try and identify and then take those children out, separate them out.

It seems to me that we ought to understand the broader policy issue. The real problem in dealing with illegal immigration, as the Hesburgh commission found out 15 years ago and as the Jordan commission has restated, the jobs are the magnet that brings foreigners into our country illegally. Jobs is the magnet.

The real problem is, how are we going to deal with that? Senator SIMPSON has, to his credit, worked out an orderly kind of process by which we are going to reduce the number of breeder

documents and we are going back to the root causes for those breeder documents, and then we are going to test various kinds of programs in terms of what can be most effective in verifying that it is Americans who are getting jobs and not the illegals.

We are going to have votes on those particular measures. But I am going to stand with the Senator from Wyoming on those measures because they are a key element if we are serious about dealing with illegal immigration. Then there are provisions dealing with the border and Border Patrol and enhanced procedures. All of those, we believe, can be effective in terms of dealing with the job magnet that draws people here.

Our problem is not with the children. Our problem is not with the expectant mothers, the expectant mothers who are going to have children born here and will be Americans. In the current bill, we have said that the mother has to be here for 3 years, so we are not encouraging expectant mothers to come over here and take advantage of the program.

This particular amendment that I have offered says we will make the Senate bill consistent with what has been passed in the House of Representatives on those key elements that primarily affect children, expectant mothers, and are listed and are structured in order to protect community health and public health issues.

That is basically what we are attempting to do with this. This amendment is effectively the identical amendment in the House of Representatives. We want to make sure that we are going to say to legal immigrants—these are people, 76 percent of whom are relatives of American families. All have played by the rules. All of them have waited their turn to get in and be rejoined with their families, all who have been qualified and may have fallen on some hard and difficult times, and what we are going to say is in this very limited area which the Congress has made a decision and determination, we are making these policy determinations not to benefit the child but to benefit Americans.

Do we understand that? These proposals have been accepted in the House of Representatives, and I am urging that they be accepted here because they protect Americans. They should not follow the same deeming requirements as in other aspects of the bill. That is effectively what this proposal does and what it would achieve. I think it is warranted. I think it is justified. We have debated it in our Judiciary Committee, and I hope it will be accepted.

Mr. PELL. Mr. President, I rise today to speak on behalf of the Kennedy amendment to S. 1664. I support the Kennedy amendment because it would protect the multitudes of students who are eligible for Federal student aid under title IV of the Higher Education Act.

Under current law, only legal immigrants are eligible to receive Federal financial aid to attend college. However, provisions in the bill that stands before us today would require that for Federal programs where eligibility is based on financial need, the income and resources of the sponsor of a legal immigrant would be deemed to be the income of the immigrant. Simply put, the resources of an immigrant student would be artificially inflated, therefore, most legal immigrants would not qualify for Pell grants or student loans.

I have always sought to expand educational opportunities for the students of this country. To my mind, any person with the desire and talent should be afforded the opportunity for at least 2 and possible 4 years of education beyond high school. The students that have legally immigrated to this country should not be excluded from the vast opportunities that a higher education can provide them.

Half of the college students in this country rely on Federal grants or loans to help pay for college. Student aid more than pays for itself over time. A college graduate earns almost twice what a high school graduate earns—and pays taxes accordingly. Denying a postsecondary education to economically disadvantaged legal immigrants is profoundly unfair and economically shortsighted. Legal immigrants pay taxes and can serve in the military. Legal immigrants also contribute significantly to the national economy. For these reasons I encourage my colleagues to join me in support of the Kennedy amendment, therefore, eliminating the deeming requirements as they apply to Federal student aid programs.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I ask unanimous consent that a vote occur on or in relation to the Kennedy amendments 3820 and 3823 en bloc at the hour of 4:50 this evening, to be followed immediately by a vote on or in relation to the Kennedy amendment 3822.

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

Mr. SIMON. Reserving the right to object, will the Senator make it 4:53, so I can get 3 minutes in here?

Mr. SIMPSON. We have people apparently going to the White House. I will yield my time to the Senator. Take the 2. I was going to conclude. You may take that, and I will come at my friend with vigor at some later forum.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I will try to be more brief than the 3 minutes. I think so much of this makes sense. People who are here legally should get the same services as those who are here illegally.

What I particularly want to point out is the higher education provision really would devastate many campuses and the future of many young people. People who came here legally, whose children are going to American colleges and universities taking advantage of our programs in terms of loans and other programs, we ought to be encouraging that higher education rather than discouraging it. The Kennedy amendments, it seems to me, move in the right direction.

Finally, to protect pregnant women and children, I think that is kind of basic. So I strongly support the Kennedy amendments.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I have about 30 seconds. Let me just say we have already exempted school lunch and WIC in the managers' amendment which we passed yesterday.

This amendment combines several distinct exemptions to the ''deeming'' requirements in the bill. Everyone should understand what ''deeming'' does. Deeming requires sponsors to keep their promises.

Since 1882, our law has stated that no one may immigrate to this country if they are ''likely at any time to become a public charge.'' Many individuals—about half of those admitted in 1994—were only permitted to enter after someone else promised to support that newcomer. The sponsor guarantees that the sponsored immigrant will not require any public assistance.

Senator KENNEDY's amendment provides a number of exceptions to this ''deeming'' rule for:

First, emergency Medicaid; second, foster care; third, Headstart; and fourth, Pell grants and other federally funded assistance for higher education.

On the general issue of exemptions from deeming, I would stress that deeming only prevents a sponsored individual from accessing welfare if the sponsor has sufficient resources to disqualify the applicant. When a sponsor is not able to provide assistance, then the Government will provide it.

I am not certain that there should be any exemptions from deeming. Why should we permit individuals to access our generous social services, when they have sponsors who have promised to provide for them and presumably have the wherewithal to provide the needed assistance?

Furthermore, I have concerns about exempting Headstart and Pell grants from the deeming requirements. These programs are not open to every American. Even though we spend more than $3 billion on Headstart, the program only serves about 30 percent of poor children ages 3–4. I am not certain that we should continue to permit newcomers access without regard to the incomes of the sponsors that promised to support them.

The Government has limited money for Pell grants as well. At a time that college tuition costs are rising, it does not make sense to provide scarce resources to sponsored individuals—who

have sponsors that promised to provide support—when many citizens are having difficulty affording the high costs of college. We have already provided exemptions for those students who are in school—they will have no deeming applied to their financial aid. Are we going to educate those who come from around the world—promising never to use public assistance as a condition of coming here—before we provide enough funds to educate all the people who are here right now and who are having trouble with college expenses right now? It seems most puzzling.

I thank the Chair.

VOTE ON AMENDMENT NOS. 3820 AND 3823, EN BLOC

The PRESIDING OFFICER. The question is on agreeing to amendments Nos. 3820 and 3823, en bloc. The yeas and nays are ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—46

Akaka	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Hatfield	Pell
Breaux	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Jeffords	Robb
Chafee	Johnston	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerrey	Simon
Dodd	Kerry	Snowe
Dorgan	Kohl	Specter
Exon	Lautenberg	Wellstone
Feingold	Leahy	Wyden
Feinstein	Mack	
Ford	Mikulski	

NAYS—53

Abraham	Domenici	Lott
Ashcroft	Faircloth	Lugar
Baucus	Frist	McCain
Bennett	Gorton	McConnell
Biden	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Nunn
Bryan	Gregg	Pressler
Burns	Hatch	Roth
Campbell	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thurmond
DeWine	Levin	Warner
Dole	Lieberman	

NOT VOTING—1

Thompson

So the amendments (Nos. 3820 and 3823), en bloc, were rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. GRAHAM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3822

The PRESIDING OFFICER (Mr. ABRAHAM). The question is now on agreeing to amendment 3822.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are quite prepared to go to a vote on this. We addressed the Senate and had a short debate and discussion earlier today. Effectively, what this is doing is you have deeming for all of the Medicaid programs. What we are doing is carving out three narrow areas: children, expectant mothers, and veterans. There is $2 billion for all of the Medicaid programs. This is $125 million in terms of cost.

For the same reasons we have outlined here, we think that the expectant mothers ought to get the treatment because they are going to have a child that will probably be an American citizen. We think veterans—you have 24,000 veterans that will be under a means-tested program. The reality is those veterans, particularly with regard to prescription drugs, ought to be attended to. Obviously, the emergency kinds of assistance under Medicaid they should be eligible for.

A very narrow carveout. It costs $125 million over the next 5 years as compared to $2 billion. That is effectively what the carveout is.

Mr. SIMPSON. Mr. President, if Senator KENNEDY had an opportunity to address that issue, obviously, I should have the same opportunity. I think all would concur. So I want to have approximately 1½ minutes, whatever that was.

First, let me say the veterans are well taken care of in this country. That one just will not even float. We spend $40 billion for veterans. They have their own health care system. This is another hook. I yield to Senator SANTORUM.

Mr. SANTORUM. Thank you, I say to the Senator.

I just remind Senators that 87 Members of this Chamber voted for a welfare reform bill that passed the U.S. Senate that said all legal-sponsored immigrants receive no deeming. We eliminate deeming. Under the welfare bill we passed there is no deeming. If you are a legal immigrant in this country, sponsored, you are not eligible for welfare benefits until you become a citizen. And 87 Members of the Senate voted for that.

This is a much weaker version. What this keeps in place is a deeming provision that says that you are not eligible for benefits unless your sponsor cannot pay for it. We had no provision like that. There was no fallback. You just were not eligible, period.

Under the Simpson bill we are considering, at least there is a fallback that says if your sponsor can no longer help you, then we will.

So this is a weaker provision under the existing Simpson language than what 87 Members of the Senate voted for previously. So understand that you are falling back already, and those who were support this amendment would be falling back even further from the changes 87 Members voted for.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—47

Akaka	Glenn	Lieberman
Biden	Graham	Mikulski
Boxer	Harkin	Moseley-Braun
Bradley	Hatfield	Moynihan
Breaux	Heflin	Murray
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Jeffords	Reid
Chafee	Johnston	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dorgan	Kohl	Specter
Feingold	Lautenberg	Wellstone
Feinstein	Leahy	Wyden
Ford	Levin	

NAYS—52

Abraham	Exon	McCain
Ashcroft	Faircloth	McConnell
Baucus	Frist	Murkowski
Bennett	Gorton	Nickles
Bingaman	Gramm	Nunn
Bond	Grams	Pressler
Brown	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hatch	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thurmond
DeWine	Lott	Warner
Dole	Lugar	
Domenici	Mack	

NOT VOTING—1

Thompson

So the amendment (No. 3822) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. I wonder, Mr. President, if I might have a brief intervention here.

Mr. SIMPSON. That will be on the Senator's hour.

CHANGE OF VOTE

Mr. CHAFEE. Mr. President, on vote 94, the Kennedy amendments Nos. 3820 and 3823 en bloc, I voted ''nay,'' and I would ask unanimous consent that I might be recorded as ''yea.'' That will not affect the outcome of the vote.

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

Mr. CHAFEE. I thank the Chair.

(The foregoing tally has been changed to reflect the above order.)

CRIMINAL ALIEN TRACKING CENTER

Mr. LEAHY. Mr. President, yesterday, the Senate approved an amendment that Senator HUTCHISON and I offered to bolster one of the strongest tools local and State law enforcement agencies have to identify and deport criminal aliens in our country. The Criminal Alien Tracking Center—also known as the Law Enforcement Support Center [LESC]—is the only online national data base available to local law enforcement agencies to identify criminal illegal aliens. I am proud that this facility is located in South Burlington, VT.

Our amendment will increase the authorization for the LESC in recognition of the need to bring additional States online as well as expand the scope of the work being done at the tracking center. President Clinton recently signed the Terrorism Prevention Act into law. The bill identified how important the Tracking Center has become and proposed that the Center become the repository for an alien tracking system.

Even before these additional responsibilities, the LESC staff in Vermont had demonstrated that the Center is a valuable asset and essential to our national immigration policy. The Center provides local, State, and Federal law enforcement agencies with 24-hour access to data on criminal aliens. By identifying these aliens, LESC allows law enforcement agencies to expedite deportation proceedings against them.

The Center was authorized in the 1994 crime bill. The first year of operations has been impressive as the 24-hour team identified over 10,000 criminal aliens. After starting up with a link to law enforcement agencies in one county in Arizona, the LESC expanded its coverage to the entire State. In 1996, the LESC is expected to be online with California, Florida, Illinois, Iowa, Massachusetts, New Jersey, Texas, and Washington.

The Tracking Center has become the hub at INS for seamless coordination between Federal, State, and local authorities. I would suggest to Commissioner Meissner, that the facility become the national repository for all INS fingerprint records relating to criminal aliens. Information from the fingerprints would be most accessible if the Center stored this information in an AFIS/IDENT data base with a link to FBI data bases.

As a former State's attorney, I also know that even the best tracking system does not work unless there is an adequate system to ensure that criminal files are promptly sent to investigators. That is why it would also make sense to have the LESC serve as the repository for INS A-files related to aggravated felons and aliens listed in the NCIC deported felon file. Locating these files at the Tracking Center will improve their accessibility to INS agents and U.S. attorney offices throughout the United States.

Mr. President, Congress must continue the empowerment of local law enforcement agencies in their efforts to identify criminal illegal immigrants. I am pleased that the Senate approved our amendment, No. 3788, that will increase the authorization for the Tracking Center—a resource every State should have in the fight against criminal aliens. I thank, in particular, the managers of the bill, Senator SIMPSON and Senator KENNEDY, for including these provisions in the manager's amendment.

Mr. KYL. Mr. President, I rise to comment on a provision that is included in the managers' amendment to S. 1664, the immigration reform bill. I am pleased to introduce this amendment, which will require verification of citizenship and/or immigration status for those applying for housing assistance. The applicant will have 30 days to provide proper documentation, or assistance will not be provided; applicants who have failed to provide documentation in that time will be taken off the waiting list. For those who already receive housing assistance, a verification of immigration status may be required at the annual recertification. Annual recertification for housing assistance is already required to determine income levels, and I would urge housing authorities to make good use of this option. If a housing authority requests verification, a household will have a 3-month period to obtain proper documentation or assistance will be terminated. Once the 3-month appeal is exhausted, a hearing may be granted in the fourth month. It is important to note that political refugees and asylum seekers are exempt from my proposal. The amendment I offer today passed the House immigration reform bill unanimously as part of the managers' amendment.

In 1980, Congress passed the Housing and Community Development Act, which included a section prohibiting illegal aliens from receiving Federal housing assistance. In 1995, 15 years after the bill passed, HUD issued regulations to implement the 1980 changes. Its regulations, however, will do little to prohibit illegal aliens from continuing to receive taxpayer-supported housing.

Under current regulations, illegal aliens can be placed on a waiting list and then granted housing assistance without having to provide documentation proving that they are eligible to receive the assistance. If a household is not eligible to continue receiving assistance currently it may appeal the decision in 3-month increments for up to 3 years. That is 3 years of taxpayer assistance for someone who may not be eligible to receive the funds.

In my home State of Arizona, officials of the Maricopa Housing Authority (which is primarily Phoenix) told me that, by their estimates, fully 40 percent of the people receiving housing assistance in Maricopa County are illegal. In Maricopa County, there are 1,334 Section 8 units and 917 public housing units available. The waiting list for units has 6,556 on it. If 40 percent of the current occupants are illegal, that means 900 housing units should be made available to those citizens or legal immigrants waiting their turn.

The problem in Arizona is dramatic; nationwide it is even more dramatic. In his report entitled ''The Net National Costs of Immigration,'' Dr. Donald Huddle of Rice University estimates that the cost of public housing provided to illegal immigrants in 1994 was roughly $500 million.

Even President Clinton acknowledged that there is a problem. When proposing guidelines for public housing this year, he said most public housing residents have jobs and try to be good parents, and, that it is unfair to let lawbreakers ruin neighborhoods, especially since there are waiting lists to get into public housing. ''Public housing has never been a right,'' he said, but rather ''it has always been a privilege. The only people who deserve to live in public housing are those who live responsibly there and those who honor the rule of law.''

The public housing authorities, of course, are the entities that will have to implement any new policy we enact. I contacted the housing authorities of Tempe, Yuma, Tucson, and Maricopa County. Not one of the housing authorities disagreed with my proposal. They all said that once an applicant or resident checks on an affidavit that he/she is a legal citizen, they are not allowed to pursue the issue. The housing authorities currently only ask for verification of immigration status if the applicant checks that he/she is an immigrant.

This amendment will curb the amount of housing assistance—paid for by taxpayers—going to illegal immigrants. It will return housing opportunities to the people who are here legally. I thank my colleagues for supporting this amendment.

Mr. SANTORUM. 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 further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, what is the status of things at the moment? I know that is unfair.

The PRESIDING OFFICER. We have several amendments pending in the second degree. Which amendment would the Senator want to consider?

AMENDMENTS NOS. 3855, 3857, 3858, 3859, 3860, 3861, 3862

Mr. SIMPSON. The amendments have been consolidated en bloc; 3855, 3857, 3858, 3859, 3860, 3861, 3862 all relating to the birth certificate issue and driver's license portion—has my amendment on birth certificates and driver's licenses.

Is that the regular order?

The PRESIDING OFFICER. It is the pending business.

Mr. SIMPSON. Let me just briefly and in 1 minute tell you what we have done. In this amendment, we provide that the new counterfeit and tamper-resistant driver's license in the bill, whatever they are, whatever State, will be phased in over 6 years, and the new standards will apply only to new, renewed or replacement licenses—not something issued 10 or 20 years before.

After this change, the bill will no longer be an unfunded mandate. CBO has an estimate after total State and local cost of driver's license and birth certificate improvements, finding it to be $10 to $20 million spread over 6 years. New minimum standards on birth certificates go into effect only after the Congress has had 2 years to review them, and cannot require all States to use a single form.

I talked to the manager of the bill and will now urge the adoption of the en bloc amendment by voice vote.

Mr. President, the amendment would phase in the bill's requirements for improved driver's licenses and State-issued I.D. documents over 6 years, beginning October 1, 2000—the year suggested by the National Governors' Association.

Under my amendment, the improved format would be required only for new or renewed licenses or State-issued I.D. documents, with the exception of licenses or documents issued in one State where the validity period for licenses is twice as long—12 years—as that in the State with the next longest period. This one State would have 6 years to implement the improvements.

Furthermore, the bill's provision that only the improved licenses and documents could be accepted for evidentiary purposes by government agencies in this country would—under the amendment I am now proposing—not be effective until 6 years after the effective date of this section, October 1, 2000. By this time 49 of the 50 States will have the new licenses and I.D. documents without any requirement for early replacement. In one State, some individuals wanting their license to be accepted by governments for evidentiary purposes would have to renew earlier than would be required without enactment of the bill, but would still have more time—6 years—than every other State except one, which would also have 6 years.

Thus, the amendment would mean that 6 years after the general effective date for this subsection of the bill—October 1, 2000—the improved licenses would have completely replaced the old ones and would be required for evidentiary purposes in all government offices.

Mr. President, I want to remind my colleagues that fraud-resistant I.D. documents will not only make possible an effective system for verifying citizenship or work-authorized immigration status—and thus greatly reduced illegal immigration. The improved documents will also make possible an effective system for verifying immigration status for purposes of welfare and other government benefits—resulting in major saving to the taxpayers. Additional benefits to law-abiding Americans would come from reduced use of fraudulent I.D. in the commission of various kinds of financial crimes, voting fraud, even terrorism.

My amendment is a response to the Congressional Budget Office's estimate of the cost of the bill's current requirement that improvements in driver's licenses and I.D. documents be implemented October 1, 1997.

If the amendment is adopted, the additional cost of replacing all licenses and I.D. documents by 1998, including those that would otherwise be valid for an additional number of years would be eliminated. Instead of costing $80 to $200 million initially, plus $2 million per year thereafter, CBO estimates that the total cost of all the birth certificate and driver's license improvements would be $10 to $20 million, incurred over 6 years.

CBO has written a letter confirming that fact.

Mr. President, with respect to birth certificates, the bill now requires that, as of October 1, 1997, no Federal agency—and no State agency that issues driver's licenses or I.D. documents—may accept for any official purpose a copy of a birth certificate unless (a) it is issued by a State or local government, rather than a hospital or other nongovernment entity, and (b) it conforms to Federal standards after consultation with State vital records officials. The standards will affect only the form of copies, not the original records kept in the State agencies.

The new standards will provide for improvements that would make the copies more resistant to counterfeiting, tampering, and fraudulent copying. One important example: the use of ''safety paper,'' which is difficult to satisfactorily photocopy or alter.

There is no requirement in the bill that all States issue birth certificate copies in the same form. But in response to concerns that some have expressed, the amendment I am now proposing explicitly requires that the implementing regs not mandate that all States use a single form for birth certificate copies, and requires that the regs accommodate differences between the States in how birth records are kept and how certified copies are produced from such birth records.

The bill provides that the regulations are to be developed after consultation with State vital records officials. Therefore, the differences between the States in how birth records are kept and how copies are produced will be fully known and accommodated by the agency developing the regulations.

Mr. President, my amendment also requires a report to Congress on the proposed regulations within 12 months of enactment. In addition, the amendment provides that the regulations will not go into effect until 2 years after the report. This will give Congress plenty of time to consider the report and take action, if necessary, to prevent implementation of the regulations.

The amendment also provides for a number of other changes suggested by HHS in a written comment sent in March, during the Judiciary Committee markup process:

First, the implementing regs will not necessarily be issued by HHS, but by an agency designated by the President—and the agency developing the regs must consult not only with State vital records offices, but with other Federal agencies designated by the President.

Second, in the description of the standards to be established in the regs, the reference to ''use by imposters'' will be deleted and replaced by the phrase ''photocopying, or otherwise duplicating, for fraudulent purposes.'' This change makes clear that there is no longer any requirement in the bill for a fingerprint or other ''biometric information.''

Third, funding is authorized for the required HHS report on ways to reduce fraudulent use of the birth certificates.

Fourth, the definition of ''birth certificate'' is modified to cover not only persons born in the United States, but also persons born abroad who are U.S. citizens at birth—because of citizenship of their parents—and whose birth is registered in the United States.

Fifth and finally, the effective date for the provisions relating to the new grant program for matching birth and death records and the requirement that the fact of death—if known—be noted on birth certificate copies of deceased persons will be 2 years after enactment rather than October 1, 1997.

These modifications represent most of the changes suggested by HHS.

Mr. President, back to the subject of driver's licenses: There is a technical correction that needs to be made to the grandfathering provision in the driver's license section of the bill. This grandfathering provision is one that my colleague, Senator TED KENNEDY, and I agreed to at the Judiciary Committee markup.

The agreement was that States would be exempted from the bill's requirement that State driver's licenses and I.D. documents contain a Social Security number, if—at the time of the bill's enactment—the State requires that applicants submit a Social Security number with their application and that a State agency verify the number with the Social Security Administration—but does not require that the number actually appear on the license or document.

This agreement is not reflected in S. 1664 in its present form. The amendment I am proposing will correct that.

Mr. SIMON. Mr. President, these amendments are acceptable on our side. We support them.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments en bloc (Nos. 3855, 3857, 3858, 3859, 3860, 3861, and 3862) were agreed to.

Mr. SIMPSON. Mr. President, just to review the matter at this time, the clock is running on the 30 hours. There are many amendments filed and few people to come to present them. That is usual procedure. We do not want to inconvenience people.

There are several amendments. Senator KENNEDY, I believe, does the desk reflect that there are two amendments of Senator KENNEDY that are pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. SIMPSON. Two total?

The PRESIDING OFFICER. That is correct.

Mr. SIMPSON. Then there are two of Senator SIMON, one of Senator SHELBY. Are those at the desk or have they been presented?

The PRESIDING OFFICER. There are several Simon amendments at the desk.

Mr. SIMPSON. We can proceed with the Simon amendments, discuss those, debate those, and see if we can process those this evening.

I would like to get a time agreement if at all possible. We are trying to give our colleagues some indication as to the requirements of their preparation here.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3829

Mr. KENNEDY. Mr. President, in the course of the morning earlier today we offered amendments with regard to labor enforcement and also on the issues of discrimination. We had a brief interchange on that. We have been ready to move toward a decision on this measure. I know that the Senator from Wyoming has reservations about it, but let me just mention briefly again what the substance of this amendment is all about.

As I noted in my earlier remarks, this amendment provides the Department of Labor authority to do in the permanent workers immigrant program what it can already do on the temporary worker visa program. We effectively have two programs. On the temporary workers, even though it is called temporaries, it is up to 6 years, and there were about 65,000 last year. Under the permanent program it is 140,000, of which about 85,000 to 90,000 of those places are used. Within those 85,000, about 10,000 or 15,000 are individuals that are defined in the regulations of what we call the best and the brightest. Those are professors at universities that have a distinguished career. They are business managers that move from country to country in many of the international fields—top researchers and top scientists at the top of their fields—and regulations have been established for those individuals to be able to come in.

But the other segment of those—probably 30,000 to 40,000, it varies from year to year—there is a process and a procedure to ensure that there will be an invitation for American workers, if they are qualified, to fill those jobs before the farm workers are brought into this country.

What we have seen in recent times is that process is basically a subterfuge. There were over 10,000 applicants last year, workers that were qualified for those jobs. Only five of them were able to get the jobs. The issue has been outlined in detail both in the press and in the IG report.

So, clearly, what is happening is American workers' interests are not being attended to. As we are looking at general enforcement areas and mechanisms—and we did review the other general enforcement mechanisms in the bill which are related to enforcement procedures that apply to illegal aliens but also have a reference to legal aliens—what this amendment does is not very revolutionary. It makes provisions for the enforcement of existing laws. What use is a law if it cannot be enforced?

The Department of Labor inspector general's report, widely reported and commented upon, provides all of the additional information necessary, that our laws are not being followed and the American worker is the victim. Businesses have said that the enforcement of existing laws should be the focus of our efforts.

That is what we want to do. We are providing the Department of Labor sufficient numbers of investigative personnel. Out of the numbers that have been included in this bill, we are designating a number of those that will be used for this purpose. It does not make sense to hire additional people and then tie one hand behind their backs. If we are serious about enforcing the law to benefit American and foreign workers, the amendment I am proposing is a good place to start.

So, Mr. President, effectively that is what this amendment does. All it does is enforce existing law. All we are doing is allocating personnel to do for the permanent workers what we do for the temporary workers: to make sure that the provisions of the law are going to be respected. They are not today. It is not just my stating that they are not and reviewing the facts that they are not. I rely on the IG's report of the Department of Labor that spells this out in chapter and verse. It has been made public within the period of the last 3 weeks. I will not take the time of the Senate, unless there are Members that want to, and review their various findings, but the bottom conclusion is that this law is not being adhered to because it is not being enforced.

This measure is a very modest program, but it is an important program. The bottom line is that it will have an impact in giving greater assurance to qualified American workers that when these vacancies become available and the American workers are qualified for those vacancies, they will be considered, and considered favorably, for those particular employment opportunities. That is not the case now. What we have seen from the IG's report is that in many instances these workers are brought in, they are paid less than they are guaranteed, or provided, and they do not qualify for the other kinds of benefits. The wages go down. Other workers are brought in in a similar way.

So the bottom line is that there is a whole series of professional, skilled workers that are working for perhaps two-thirds or a half of what the American counterpart is earning, and the American counterpart is working in an American plant. So Americans are disadvantaged in two ways: No. 1, they are denied the opportunity to get the job in the first place; and, second, their brother workers who are working in a similar plant and earning a fair income, are further disadvantaged by the fact that these wages go down, and the companies are at a competitive advantage in one sense and disadvantaged in the other as a result of this program.

The program is on the books. It is not being enforced. The IG, as I said, has outlined in detail the kinds of circumstances which I have outlined, and we are allocating a certain number of those authorized personnel to be available to enforce the law.

Mr. President, we have not increased any of the penalties for violations. They will be consistent across the board between those that violate the law under the temporaries as well as those that violate the law under the permanent. There are questions about that. We can work that out and refer to the sentencing commission so there is uniformity on similar bills that might apply in other agencies.

This is an important program to help protect American workers that are qualified, so that they are not effectively being discriminated against in terms of their job applications as a result of the desire to bring in foreign workers and then to pay them less.

Mr. President, that effectively is what the amendment is about. I will be glad to either respond to questions or to move forward with the amendment.

Mr. SIMPSON. Mr. President, the concern here of some of us is the conducting of an investigation on the initiative of the Secretary of Labor or on the basis of a complaint. I wonder if I might inquire of my friend from Massachusetts, if we were to strike the word ''or otherwise''—on line 6, where it says the Secretary of Labor to conduct an investigation pursuant to a complaint ''or otherwise''—I wonder, if we were to

remove that, my objection would be less. Then you would still have to have reasonable cause to believe the employer has made a misrepresentation of a material fact on a labor certification.

I share the Senator's view and the view of the Secretary of Labor that certainly there have been abuses, and there have been, but I think that alone rather lends an uncomfortable aspect to it as to what ''otherwise'' would mean there.

Mr. KENNEDY. May I respond briefly?

I welcome the opportunity to try to find other words that might be acceptable, ''or otherwise.'' What we are attempting to address, if we strike ''or otherwise,'' the only way that there would be any kind of triggering of this measure would be on the action of a complaint by the individuals affected. Quite frankly, that is not going to happen because the minute that happens, this person is on his way—he or she—is on his way out of the country.

What we are trying to do is to permit at least a degree of flexibility as we have in the ''temporary'' where there is reason to believe. I would be glad if it is ''or otherwise.'' I was looking if it is based on receipt of information where there is reasonable cause to believe.

This is what I am concerned about. If we just strike ''otherwise,'' we would be limiting it just to the complaint, who would be the workers themselves, and there would be such pressure on that worker, effectively that individual would not bring forth the complaint because the person would be thereby probably subject to the loss of their privilege in this country.

It is generally the understanding that there are no protections for that individual, and therefore it would be unrealistic to think that would be the case.

I would be glad to try to address what the Senator mentions as being sort of a fishing expedition, to try to find words that might define it in a way that would not only be relevant to the particular complainant but also on the basis of well-founded information. It is best in this sort of circumstance, perhaps, on this measure to suggest a short—well, I will not suggest a quorum but perhaps we might set this one aside and see if we cannot come up with some words.

Mr. SIMPSON. Mr. President, I think that is an excellent suggestion. Then we could go to the amendments of Senator SIMON, because I think we can resolve this. Under the Immigration and Nationality Act it says, ''Complaints may be filed by any aggrieved person or organization, including the bargaining representatives.'' I have no problem with that. Maybe we can do that. Then, if Senator SIMON would proceed with his two amendments, we will have those available for voting later.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, may I inquire of the Senator from Wyoming—and I am sorry; I was off the floor for a short time—are we moving toward any kind of time agreement to stack the votes tomorrow morning or something like that?

Mr. SIMPSON. I would share with my friend, Mr. President, that apparently we are going to go forward. There is a window—we should have tried to express that—a window between now and 8 o'clock, but after 8 o'clock the leader would prefer to proceed with rollcall votes on whatever amendments are pending, and the more we can have pending the more we will get on with our work. I hope people will come here to do the work.

AMENDMENT NO. 3809

Mr. SIMON. Mr. President, I should like to call up 3809. It has already been offered but it was set aside.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SIMON. What this does is to change the basis for deportation from the Senate language to the House language. The Senate language, frankly, is so wide open in terms of deporting people. For example, someone who is a legal immigrant, who receives higher education assistance, or, Mr. President, someone in the State of Minnesota who would not be aware of it and got job training assistance under this amendment, unless it is changed, that person could be deported for getting job training assistance—someone who is here legally, going to become a citizen. I just do not think that makes sense. If they have a child who gets Head Start, that can be a basis.

So what we ought to do is do as the House did. Frankly, that is still pretty sweeping. AFDC, SSI—and the SSI program is the one that is abused. I think all of us who have been working in this area know this is the area of great abuse. Overall, those who come into our country who are not yet citizens use our welfare programs less than native-born Americans percentagewise. But limited to AFDC, SSI, food stamps, Medicaid, housing, and State cash assistance. This is the language on the House side.

I think it makes just an awful lot more sense. If someone, for example, gets low-income energy assistance in the State of Minnesota, that would be a basis for deportation the way the bill reads right now. I do not think you want that. I do not think most Members of the Senate want that.

So that is what my amendment does. I think it makes the legislation a little more sensible, and I hope that my colleague, who is, I see, scribbling very vigorously over there, is scribbling the word ''OK'' and that he would consider accepting this amendment.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I was not scribbling the word ''OK'' on this document, this tattered amendment here.

I oppose the amendment. I feel this amendment will create a very large loophole in our Nation's traditional policy that newcomers must be self-supporting. Under the bill, of course, an immigrant is deportable as a public charge if he or she uses more than 12 months of public assistance within 5 years after entry.

All of the means-tested programs, means-tested welfare programs—SSI, public housing, Pell grants—count toward this 12-month total for deportation. An exception is provided only for those programs that are also available to illegal aliens —emergency medical services, disaster relief, school lunch, WIC, and immunization.

Under the House bill, only certain programs make the immigrant subject to public charge deportation, and those programs are SSI, AFDC, Medicaid, food stamps, State cash assistance, and public housing.

The Senator's amendment would limit the public charge programs to the same welfare programs as the House bill but all others would not be included—and that would be Pell grants, Head Start, legal services, noncash—in determining whether an alien should become a public charge.

I remain quite unconvinced why any newcomer should be able to freely access the majority of Federal noncash welfare programs within the first 5 years after entry, given that all aliens must promise not to become a public charge at any time after entry. It seems most inappropriate to exclude most noncash welfare from counting against the newcomer.

I oppose it. Our Nation's laws since the earliest days have required new immigrants to support themselves. The first time was in 1645. Massachusetts refused to admit prospective immigrants who had no means of support other than public assistance. That was in 1645 in the State of our Democratic leader of this legislation.

In 1882, we prohibited the admission of any person unable to take care of himself or herself. We know those things. I keep repeating them. Likely to become a public charge, section 212 of the immigration law always saying that those who become dependent on public assistance may be deported. So not only would the immigrant not only promise to be self-sufficient before receipt of an immigrant visa, but he or she should remain self-sufficient for any appropriate period after arrival. We set that period.

Where all this came about is in a 1948 decision by an administrative judge within the Justice Department. Various administrative judges made it virtually impossible to deport newcomers who became a public charge. Under the current interpretation of the law, the Government has to show, one, the alien received the benefits; two, the agency requested reimbursement from the alien; and, three, the alien failed or refused to repay the agency.

The decision has rendered this section of the law virtually unenforced and unenforceable, and, as Senator DOMENICI said, we have deported 13 people

in the past, I think, year as being a public charge. This is despite the fact that research shows more than 20 percent of immigrant households are on welfare—households, not individuals. So the committee bill restored the public charge deportation. The bill already includes provisions to respond to concerns of some on the other side of the aisle. We have not destroyed the safety net. A generous safety net is provided for immigrants who must use more than 12 months of public assistance within the first 5 years of entry before becoming deportable as a public charge.

This new provision for public charge deportation is entirely prospective. It is not applicable to anyone who has already emigrated to the United States. Only those who come in the future will be affected.

And the Simon amendment permits future immigrants to receive any amount of assistance from Federal, State and local governments, as long as the newcomer avoids six major welfare programs. Newcomers would be able to access almost all noncash welfare programs for the entire time they are in the United States, without ever being deportable as a public charge. That is contrary to the stated national policy that no one may immigrate if he or she is likely to use any needs-based public assistance.

I know my friend from Illinois so well, after 25 years, nearly, of friendship. And know in each occasion that he speaks it is in the finest of intent and compassion and caring. This is one of those. But a deal is a deal. If you come here as a sponsored immigrant and somebody says we are not going to let this person become a public charge, that is it. You make a person do what I know the Senator from Illinois would like to do: If you have the bucks, you keep your promise. And the promise is they not become a public charge. And, if the sponsor cannot meet the debts and goes broke, cannot cut it anymore, then we pick up the slack as taxpayers. But why on Earth would we take up the slack on any kind of issue when they said: This person, I promise by affidavit of support, will not become a public charge? I would resist the amendment.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Illinois.

Mr. SIMON. Mr. President, the Senator from Wyoming is correct. It was not ''OK,'' he was scribbling there.

We do not do anything about the deeming requirements here. What we are simply saying—and I would add the administration supports this amendment—what we are simply saying is that there are going to be programs that people may be taking advantage of, that are available, with no knowledge it could be a basis of deportation. Let me give an example. In rural Illinois—my guess is in rural Minnesota, rural Massachusetts and Wyoming too—there are transportation programs available for the elderly and the disabled. Under this amendment, if someone takes advantage of those programs for 1 year, that is a basis for deportation. That is crazy. You know, if you have a child in Head Start you can be deported. Maybe a spouse abuses someone and they go to legal aid. If they get legal aid they can be kicked out of the country, for getting legal aid.

I just think we have to be reasonable. I think the House language takes care of the big program. I know my friend from Wyoming agrees on this, the big program of abuse overwhelmingly is SSI. In addition to SSI, it has AFDC, food stamps, Medicaid, housing, and State cash assistance.

I think this amendment makes sense. 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. KENNEDY. May I inquire of the Senator, ask a question?

Mr. SIMON. I will be pleased to yield.

Mr. KENNEDY. Mr. President, we had some debate and discussion about education earlier in our amendments. Is the Senator saying if you have a legal immigrant and that legal immigrant is going to take advantage of a Pell or a Stafford loan, and that person goes to the sponsor and they find out that they are still eligible for that loan, so they are playing by the rules—they waited their turn, 76 percent of those are members of American families, so they have been deemed and they go in—and then they take that Stafford loan, for example, for a year, that that subjects that person to deportation?

Mr. SIMON. The Senator from Massachusetts is absolutely correct. These people are preparing themselves to be productive citizens and all of a sudden, because they are preparing themselves, they can be deported. If they are under a JTPA program they can be deported.

Mr. KENNEDY. This is even after we have had a good deal of discussion, I think for the benefit of most Members here—they felt: OK, they should be deemed, in terms of the sponsors. And even if they play this by the rules, they waited their turn to get in here, they are rejoining their families, they get accepted into the universities and college in the Senator's State, they run through the process of checking their sponsors to deem their income to theirs and they are still qualified for a Stafford loan, they take that loan to improve themselves and they take that for 1 year, then it is your understanding that under the Simpson proposal that that individual is subject to deportation?

Mr. SIMON. That is correct. And it just makes no sense whatsoever. The sponsors may very well have had a medically devastating problem that just wiped them out. So the person who is here legally is eligible for these programs and we ought to be assisting them.

Here, let me just remind everyone again, legal immigrants take advantage of these programs, with the exception of SSI, less, as a percentage of the people, than native-born Americans. So I would hope we would use some common sense here and accept this amendment.

Mr. SIMPSON. Mr. President, I feel like somehow I have spoken on this, I think, probably 10 times today, and I am using up my precious time. Let us, if we can all understand this—maybe I do not understand, which would not be the first time, but I think I do.

We are not talking about the poor and the wretched and the ragged here, and people being taken advantage of. We are talking about people who are here under the auspices of a sponsor, a sponsor who signed up and said: I promise that this person will not become a public charge. That is who we are talking about.

If a person is as ragged as I have heard in the last 15 minutes, cannot do this, cannot do that, stumbling around—those people are taken care of under the present law. We are talking about a person who is here under the good faith and auspices of a sponsoring person. We are not talking about anything that is not means tested. Anything that is not means tested somebody is going to get. We are talking about, when you line up for whatever it is—Stafford or Pell, whatever it is, that is means tested and you line up and say, ''Here I am. I need this program.'' And they are going to ask you, ''You are an immigrant and you have a sponsor. What assets does your sponsor have?'' And then they are going to say, ''Those assets are deemed to be your assets for the purpose of receiving this means-tested grant.'' And all we are saying is the sponsor is going to be responsible before the taxpayer is responsible. There is no mystery to this. This is not some strange thing where we are pulling the rug out from under people.

They say why do we do this with legal and not illegal? Illegal immigrants receive the benefits that I have discussed: WIC, emergency medical assistance, immunization. And why? Because they are here and we want to take care of them so they do not become sick and so on. We know that.

Then the argument is why do legal persons not get the same benefits that the illegal get? The reason is simple beyond belief. It is because a sponsor, who had enough assets and resources to take care of them, promised to do so. And should. And there is no reason on God's Earth, why the taxpayer should have to pick it up, unless the sponsor cannot cut the mustard anymore, has died, is bankrupt. And we have in the bill: Under those conditions the taxpayers will pick up the slack.

Mr. KENNEDY. Mr. President, could I ask the Senator from Wyoming: You can be eligible for Stafford loans up to $60,000 if you have three kids in school.

Now, you mean to tell me that if that person, say that individual who is the

legal immigrant, has $10,000 or $15,000 and the sponsor has $30,000, you are still eligible under the Stafford loan program for a Stafford loan and to repay it.

The way I read this, it talks about ''for purposes of subparagraph, the term 'public charge' includes any alien who receives benefits under any program described in paragraph D for an aggregate period of more than 12 months.''

Then it describes the program. In line 18 it says, ''* * * any other program of assistance funded in whole or in part by the Federal Government.''

Stafford loans are. That individual may have a higher rate of repayment, be able to get a smaller loan but still would get some kind of public help and assistance, because education loans are not considered to be welfare. The idea is individuals will pay that back. So they can conform with the provisions of the assets of both of them and still, as the Senator points out, receive that and under this be subject to the deportation, the way I read it. I think the Senator from Illinois has a balanced program here, and I hope that it will be accepted.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I do not want to postpone this much longer. Let us just say Christopher Reeve was a sponsor, and he went through this devastating accident. Let us say the people he sponsored live in Oklahoma in a rural community and they take advantage of transportation for the elderly and the disabled. Under this proposal, without my amendment, they can be deported.

I do not think that is what the American people want. I do not think that is what the U.S. Senate wants. I really do not believe even my good friend, ALAN SIMPSON, wants that, upon greater reflection. I hope we will conform the language to the way it is in the House and say on the six programs—AFDC, SSI, food stamps, Medicaid, housing, and State cash assistance—if they take advantage of these programs for a year, then they can be deported. That is even harsher, frankly, than I would like, because I think there will be some circumstances that are unusual.

To just say sweepingly for any kind of Federal program you can be deported, like the Stafford Loan Program, I think is a real mistake. I hope the Senate will accept my amendment.

Mr. SIMPSON. Mr. President, I am going to leave it at that. I am using precious time, but I will just say that all these things do not take place, all these horrible things, little old ladies, veterans, people. Nothing here takes place if there is a sponsor who stepped up to the plate and said, ''I'm going to take care of this person, I vow that, I promise that.''

So anything means tested we are simply saying the assets of the sponsor become the assets of the immigrant. If you wish to allow newcomers to come here spending more than 20 percent of their time on public assistance during the first 5 years after entry, that seems quite strange to me when people are hurting in the United States. That is where we are.

I thank the Chair.

Mr. KENNEDY. Mr. President, can we just review where we are? We have all received a lot of questions about the order. It was my understanding that we had the labor enforcement amendment and the intentional discrimination amendment. I think we are very close to working out language of the labor enforcement provisions. I hope that we will be able to do that.

We have the intentional discrimination amendment, which I hope we can in a very brief exchange dispose of, in terms of the time factor. So we might be able to do that.

The Simon amendment on public charge, do we feel we are finished with that debate? That is another item. I do not know what the other Simon amendment is, whether that is going to be brought up. Or is that in line?

Mr. SIMON. Whatever. We can bring it up tonight. It should be debated very briefly.

Mr. SIMPSON. Mr. President, if we could perhaps deal with the intent standard language, which we had discussed earlier, I maybe have another 5 minutes or so on that. And then Senator FEINSTEIN.

Mr. KENNEDY. Then we can do Senator FEINSTEIN's amendment and see if it is possible—I do not know what the length of it is—maybe it is possible to add that on as well. Maybe it will not be.

Mrs. FEINSTEIN. Very short.

Mr. KENNEDY. That will be what we will try, so Members will have an idea of what we are going to do, if that is agreeable. I will just talk very briefly.

Mr. SIMPSON. Mr. President, can we say then, at least for the purposes of those of us here debating, that we close, informally close, the debate with regard to the Simon amendment, and maybe in a few minutes close debate with regard to the intent standard and maybe perhaps be in a position to have four or five votes which should satisfy all concerned?

Mr. KENNEDY. That would be fine.

Mr. SIMPSON. Would that not be a joy?

Mr. KENNEDY. Would that not be, and then we look forward to tomorrow.

Mr. President, I will just take a brief time with regard to the amendment on discrimination and, hopefully, we will be able to get it worked out.

Let me just ask then, before we do that, on the labor provisions, on line 6, if we strike ''or otherwise'' and put in there ''based on receipt of credible material information,'' does that respond to the principal concerns? I thought that might have been worked out with your staff.

Mr. SIMPSON. I am not aware of that, Mr. President, but I will certainly inquire.

AMENDMENT NO. 3816

Mr. KENNEDY. Let me then, Mr. President, just address the issues that I addressed earlier in the course of the debate, and I will do it briefly.

The dilemma is how are we going to assure adequate protection to employers who employ either foreign sounding, foreign looking individuals and ensure that they are not going to be subject to the economic sanctions and, on the other hand, how are we going to try and establish a procedure which will not lend whatever procedure is established to be utilized in ways that will open up discrimination against those individuals which, of course, in so many instances would be Americans.

I reviewed very quickly some of the more egregious situations where those citizens who came from Puerto Rico were asked to put out a green card. Since they are American citizens, they do not have green cards and were subject to forms of discrimination.

In any event, there may be differences as to the extent of discrimination that exists out there. There are many who believe it is a serious problem. There are others who do not believe so. But I do think we have an opportunity to address both the elements of discrimination which exist in varying degrees out there and also to provide a mechanism by which the employer is adequately protected and establishes a good-faith defense by accepting any one of the six cards that have been identified in this legislation that are credible.

That is effectively what we are attempting to do, Mr. President, to say that if employers have suspicions about an applicant, they already have a host of remedies. If the documents look phony, the employer can refuse to accept them and can refuse to hire the person.

If the employee has authorization documents that expire, the employer can ask for reverification of eligibility when the documents expire. Indeed, my amendment contains a provision that requires the employers to reverify eligibility.

If the documents look genuine, but the employer still has concerns, the employer can share these concerns with the applicant. For example, the employer can let the applicant know that it intends to verify the applicant's eligibility and will fire the person if it turns out the person is illegal. However, the employer cannot demand that the applicant produce additional or specific documents once the applicant has produced an authentic-looking document.

That is the fundamental issue. Otherwise, if we were to allow the employer to demand anything he wanted, it would end up with situations as I mentioned where employers demand green cards from Puerto Ricans. Under our current law these Puerto Rican victims have a remedy. Under section 117 they are out of luck. If we let employers determine what documents they will accept, which is effectively what section

117 does, everyone knows what will happen. Employers will develop suspicions about all foreign-looking and foreign-sounding people, and the discrimination that is already documented will worsen.

Keep in mind who these victims are. They are often hard-working American citizens. They are legal immigrants who are trying to become self-sufficient but are being left out because they look foreign or speak with an accent.

Mr. President, I believe that this proposal is a modest program. I think it meets the central challenges of assuring that the idea that jobs will be preserved for Americans or legal immigrants is real. It will reduce, I think in a very important way, the possibilities and reality of discrimination in the workplace.

Mr. President, I hope that the Senate will adopt the amendment.

Mr. SIMPSON. Mr. President, may I interject here with a unanimous-consent request that we lock in the two amendments? I think this may have been circulated. I will wait so that we might do that.

Mr. President, let me go forward briefly and conclude my remarks about the amendment. I spoke on that this morning. I want to readopt the language that I spoke this morning and would be appropriate here, and conclude with this.

Let me stress for my colleagues that this section of the bill does not permit employers to refuse documents because of an unreasonable concern about their validity. Administrative law judges have already found such a practice constitutes intentional discrimination. The bill is not intended to overrule any of those cases of intentional discrimination.

Employers should be able to ask an employee for additional documents only when they have reason to suspect that the new employee is an illegal alien. We are not interested in burdening employers. In fact, this bill is an extraordinary assistance to employers. No longer 29 documents to look at, but 6.

Employers around the country have been supportive of this measure. But I must also state that some of the numerous examples which are given in support of the amendment simply do not apply, especially the one about the Puerto Rican woman. Let us go to that.

One example cited by opponents of the provision in the committee bill is that a New York watch wholesaler refused to hire a Puerto Rican woman because she did not have a green card. The administrative law judge ruled that that action constituted a knowing and intentional discrimination. Think of that. Simply because the person refused to hire a Puerto Rican woman because she did not have a green card, that was knowing and intentional discrimination.

Most importantly, the employer in that case was punished under section 274B(a)(1) of the Immigration Nationality Act, a provision which is unchanged by my bill, not changed, not section 274B(a)(6), which the committee bill amends. In fact, this case was decided before the Congress enacted the section 274B(a)(6) in late 1990 and decided that merely asking for different documents constituted discrimination—merely asking.

This section of the committee bill provides protection only for employers who do not intend to discriminate. That is what the Senator is trying to reach. An employer who has constructive knowledge that an alien is unauthorized to work is permitted to ask for other documents. That is all we are saying. The employer knows something is wrong with those documents. He knows that, or he or she knows that, an alien is unauthorized to work, and they are permitted under this legislation to ask for other documents.

There is one other incorrect argument on behalf of this amendment. According to the propaganda sheet I have from certain in the Clinton administration, the lawyers of the Clinton administration, the bill would permit a Texas nursing home to fire an African American because he could not produce his birth certificate. That is wrong. That is false. The decision in that case held that when employers refused to accept certain documents because of an unreasonable concern about their validity, as opposed to a specific, justified concern, that action constitutes intentional discrimination.

We are talking about the employer. The signals are up. The employer knows something is not right. We are saying, he asks for another document. That is not discrimination. If they are in there to discriminate, the signals are not up. They are doing their hideous racism. That is not what we are talking about.

I believe we have to provide some protection from heavy penalties for employers who are attempting in good faith to follow the law. This amendment provides no relief, and in fact is no more than a detailed description of current law, the current law which squeezes the American businessman between the rock of employer sanctions and the hard place of intentional discrimination for even deigning to question an employee's documents.

So I urge my colleagues to oppose the amendment. The employers should be able to ask employees, when they have knowledge that a new hire is not legally authorized to work, for additional documentation and inquire of that without the huge fines which the administration insists on levying against employers who have never ever before—ever before—intentionally discriminated at all.

Mr. KENNEDY. Mr. President, I will take just a very few moments.

Mr. President, I will include in the RECORD the Leadership Conference on Civil Rights, their support for our amendment. Let me just mention a paragraph in here.

Some employer groups, including the National Federation of Independent Businesses and the nation's agricultural employers, argue that [my amendment] the KENNEDY amendment would put employers ''between a rock and a hard place'' when it comes to verifying documents that the employer ''knows constructively'' are not valid. The KENNEDY amendment addresses this concern by allowing employers to check the validity of such documents when they have a question about them. An intent standard goes much too far in response to the concerns of some employers. In fact, it immunizes employers against all but the most egregious discrimination claims. There is no need to gut the civil rights protections under IRCA in order to address a concern which can be resolved through more reasonable means.

The Leadership Conference strongly urges you to support the Kennedy amendment to strike the intent standard. . . .

Mr. President, I ask unanimous consent that that letter dated April 29, 1996, from the Leadership Conference on Civil Rights be printed in the RECORD.

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

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, April 29, 1996.

DEAR SENATOR: On behalf of the Leadership Conference on Civil Rights, we are writing to urge you to support an amendment to the immigration bill, S. 1664 that would preserve the civil rights protections of the nation's immigration laws.

Congress added civil rights protections to the Immigration Reform and Control Act of 1986 (IRCA) because of concerns that requiring employers to verify the employment eligibility of their workers would lead to discrimination against persons who were perceived as ''foreigners.'' Indeed, the law did result in widespread discrimination, as documented by a U.S. General Accounting Office (GAO) study in 1990 along with more than a dozen separate studies conducted nationwide. S. 1664 adds an ''intent standard'' to these civil rights provisions, which would make it impossible for most Americans suffering discrimination under the law to pursue a discrimination claim. Senator Kennedy will be offering an amendment to strike this intent standard and replace it with language addressing the legitimate concerns raised by employers. The Leadership Conference on Civil Rights strongly urges you to support this amendment and preserve the nation's tradition of equal justice under the law.

The GAO report and other studies indicate that most of the widespread discrimination resulting from IRCA stems from employer confusion. For example, some employers insist on seeing green cards from any person who appears ''foreign'', despite the fact that many such individuals are native-born U.S. citizens. When such an employer insists on seeing a green card, these Americans lose jobs. This was the case when Rosita Martinez, a Puerto Rican American, took her employer to court after he insisted that the law obliged him to see her green card before hiring her. Had the intent standard been the law at the time, Ms. Martinez would have lost that job without any remedy under the law.

Some employer groups, including the National Federation of Independent Business and the nation's agricultural employers, argue that the Kennedy amendment would put employers ''between a rock and a hard place'' when it comes to verifying documents that the employer ''knows constructively''

are not valid. The Kennedy amendment addresses this concern by allowing employers to check the validity of such documents when they have a question about them. An intent standard goes much too far in response to the concerns of some employers. In fact, it immunizes employers against all but the most egregious discrimination claims. There is no need to gut the civil rights protections under IRCA in order to address a concern which can be resolved through more reasonable means.

The Leadership Conference strongly urges you to support the Kennedy amendment to strike the intent standard and replace it with language which addresses employers' concerns without wiping out civil rights protections for Americans.

Sincerely,

RICHARD WOMACK,
Acting Executive Director.
DOROTHY I. HEIGHT,
Chairperson.

Mr. KENNEDY. Mr. President, I will just wind this up with the story of Representative GUTIERREZ. This was on April 18.

A Capitol Police security aide refused to accept the congressional identification of Representative Luis V. Gutierrez as he tried to enter the Capitol and told him and his daughter to ''go back to the country you came from,'' the representative said yesterday.

Gutierrez . . . said that he was walking into the main visitor's entrance to the Capitol on March 29 with his 16-year-old daughter and 17-year-old niece when he was approached by the security aide.

The aide [I will leave that out; it is printed in the story] has been suspended with pay pending an internal investigation, said Sgt. Dan Nichols, Capitol Police spokesman.

The Congressman said that he and the girls were carrying Puerto Rican flags during a Puerto Rican appreciation day ceremony and were putting them through an X-ray scanner when Hollingsworth began ''screaming'' at him for allowing the flags to slightly unfurl, he said.

''She said she didn't want to see the flags, and I told her I would take care of them,'' Gutierrez said. ''Then she said, 'Who do you think you are?' When I told her I was Congressman Gutierrez, she said, 'I don't think so.'''

Gutierrez said that when he presented his congressional identification card, Hollingsworth ''said that my identification must have been a fake. Then she said, 'Why don't you all go back to the country where you came from.' She was rabidly angry.''

Gutierrez said the confrontation went on for about a minute until a Capitol Police sergeant noticed what was happening and, recognizing the Congressman, and ushered Hollingsworth away.

''From the very first time she was talking to me, she was yelling,'' Gutierrez said. ''She thought we were foreigners from another country, and she was very resentful of that. Twice she told us to go back to our country.''

That has happened to a Congressman of the United States in the last few weeks here in the Nation's Capitol. What kind of chance is a worker going to have, out in the boondocks, American worker, trying to get through, when you run against that kind of an attitude?

Mr. President, this is a real problem. It is happening here in the Nation's Capitol, and it is happening around the country.

The provisions which are included in the current law need to be changed. We have outlined a fair, reasonable way of protecting the applicant, the worker, and also the employer. It is a better way to go than the current law. I hope the amendment is accepted.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Mr. President, let me lock in this unanimous-consent request so our colleagues will know better about the disposition of their evening activities.

I ask unanimous consent that a vote occur on or in relation to amendment No. 3816 offered by Senator KENNEDY at the hour of 8 p.m. this evening and immediately following that vote, the Senate proceed to a vote on or in relation to the following amendments in the following order, with 2 minutes of debate equally divided prior to each vote after the first vote: amendment No. 3809, amendment No. 3829—it may be resolved, but I would like to lock those in.

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

Mr. SIMPSON. Finally, Mr. President, that is a powerful, poignant story of discrimination and a disgusting activity, but that is not what we are talking about. We are talking about an employer who has in front of him someone that he has an idea, and he has seen the documents, he knows something is wrong. He has been doing this for years, ever since 1986, and the signal goes up, and he says, ''I want to ask you for another document,'' and suddenly he has violated the law and is subject to tremendous fines. That is not right.

That is the purpose of the bill. It is not about such an egregious and foul procedure as we have just heard described.

Mr. KENNEDY. Mr. President, I want to pay my respects to the Senator from California today. She was here early like other of our colleagues, at her post early today on the Judiciary Committee, and came over here just at the lunch hour and has been inquiring, I think every half hour, about when she can be recognized. We wanted to try to move the business forward. I want to commend her for her perseverance and look forward to her amendment.

AMENDMENT NO. 3777 TO AMENDMENT NO. 3743

(Purpose: To provide for the construction of physical barriers, deployment of technology, and improvements to roads in the border area near San Diego, CA)

Mrs. FEINSTEIN. I thank the Senator from Massachusetts. I send an amendment to the desk and ask for its immediate consideration.

Mr. KENNEDY. Mr. President, I ask that the pending amendment be temporarily laid aside.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mrs. BOXER, proposes an amendment numbered 3777.

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

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

The amendment is as follows:

Beginning on page 10, strike line 18 and all that follows through line 13 on page 11 and insert the following:

SEC. 108. CONSTRUCTION OF PHYSICAL BARRIERS, DEPLOYMENT OF TECHNOLOGY, AND IMPROVEMENTS TO ROADS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

There are authorized to be appropriated funds not to exceed $12,000,000 for the construction, expansion, improvement, or deployment of physical barriers (including multiple fencing and bollard style concrete columns as appropriate), all-weather roads, low light television systems, lighting, sensors, and other technologies along the international land border between the United States and Mexico south of San Diego, California for the purpose of detecting and deterring unlawful entry across the border. Amounts appropriated under this section are authorized to remain available until expended.

Mrs. FEINSTEIN. Mr. President, this amendment concerns the proposal to build a triple-fence barrier on the Southwest border. Specifically, the amendment I am offering would strike section 108 and replace it with a provision allowing $12 million for the construction and expansion of physical barriers along the border with Mexico, which, in addition to fencing, includes all-weather roads, low-light television systems, lighting sensors, and other technology.

I think we all know that the border represents the front line of deterrence for illegal entry into the country and that the current situation is inadequate. There is a 14-mile stretch of border that separates San Diego and Mexico, and it is patched with some single fencing that is in constant need of repair, has areas with no barriers at all, and roads that wash out and become impassable at the first sign of rain.

The House-passed bill mandates the construction of three parallel fences along the existing 14 miles of reinforced steel fence on the United States-Mexico border in San Diego County. I voted for the triple-fence amendment in the Judiciary Committee because I believed we needed to remedy that situation. After the vote, though, I had a chance to meet with representatives from the Border Patrol and the INS.

I ask unanimous consent to have printed in the RECORD a letter from the National Border Patrol signed by its president, stating:

A three-tier fence would also create a crime zone within the boundaries of the United States where illegal immigrants would be easy prey for robbers, rapists, and

other criminals. The accomplices of these criminals could easily prevent law enforcement officers from responding to these crimes by blocking access roads with nails, broken glass, other debris, [et cetera]. . . .

The Border Patrol Council strongly recommends this bill be amended by replacing the requirement with a safer and more effective alternative.

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

NATIONAL BORDER PATROL COUNCIL,
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
Campo, CA, April 15, 1996.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: The National Border Patrol Council, representing nearly 5,000 Border Patrol employees, is deeply concerned by the provision in S. 1664 (formerly S. 269, the ''Immigration in the National Interest Act of 1995'') that would require the construction of fourteen miles of three-tier fencing in San Diego, California. Such fencing would needlessly endanger the lives of Border Patrol Agents by trapping them between layers of fences and leaving them with no expeditious means of escape from the gunfire, barrages of rocks and other physical assaults that routinely occur along the U.S.-Mexico border.

A three-tier fence would also create a crime zone within the boundaries of the United States where illegal immigrants would be easy prey for robbers, rapists, and other criminals. The accomplices of these criminals could easily prevent law enforcement officers from responding to these crimes by blocking access roads with nails, broken glass, other debris, barrages of rocks and/or gunfire.

Rather than facilitating the accomplishment of the Border Patrol's mission, a three-tier fence would decrease the effectiveness of its operations, and would make an already dangerous job even more so.

The National Border Patrol Council strongly recommends that S. 1664 be amended by replacing the requirement to construct a three-tier fence with a safer and more effective alternative. Those who deal with the problem of illegal immigration on a daily basis should be allowed to decide which technologies, including physical barriers, all-weather roads, low-light television systems, lighting, sensors, and other means, are more appropriate and effective for a given area.

Your support of this amendment would be greatly appreciated.

Sincerely,

T.J. BONNER,
President.

Mrs. FEINSTEIN. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter dated April 16 from the Department of Justice, Office of Legislative Affairs, to the majority leader on this subject.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 16, 1996.

Hon. ROBERT DOLE,
Majority Leader,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: I write to express the Administration's strong opposition to the proposed requirement for triple-tier fencing contained in S. 269, the ''Immigration in the National Interest Act of 1995.'' This provision requires the construction of second and third fences, in addition to the existing 10-foot steel fence, along the 14 miles of U.S.-Mexico border in the San Diego Border Patrol Sector. The bill also requires roads to be built between the fences. Instead, we support an amendment, to be offered by Senators Feinstein and Boxer, to replace the requirement for triple fencing along portions of the Southwest border with an authorization of funds for the construction and improvement of physical barriers, lighting, sensors, and other technologies to detect and deter unlawful entry.

The requirement now in the bill, if enacted, would endanger the physical safety of Border Patrol agents. U.S. Border Patrol agent Joe Dassaro, Public Information Coordinator for Local 1613, U.S. Border Patrol Council, recently stated, ''There is no support from U.S. Border Patrol agents in the field for the three tiered fence. We see it as a dangerous situation. If an agent goes between the three fences and gets into trouble, there is a longer response time for another Border Patrol agent to come to his/her aid . . .'' From a tactical perspective, agents travelling along roads surrounded by fencing present an easy target for alien smugglers and others ready to thwart our enforcement efforts. Our experience has shown that when agents travel in a single, predictable line, they and their vehicles are susceptible to attack with rocks and other objects.

Response time to an emergency situation in areas adjacent to fenced in areas will be greatly and unnecessarily increased if this provision is enacted. Agents that patrol between the sections of the fence will not have the ability to quickly and directly get out of the areas at critical times. With triple fencing, smugglers can easily block a Border Patrol vehicle with debris and limit agent mobility to the fixed path bounded by the fence. In addition, the rocky terrain and deep canyons in this region of California make a continuous road impossible to build and use. The challenges presented by this terrain are better met through the other tactics currently deployed in the San Diego Sector.

We support physical barriers along the border when and where they are appropriate and have erected 23 miles of fences along the California Border as an important part of our strategic plans. In order to build the fence that is now in place, it was necessary to construct an access road along the border. Rather than specifying barriers, we recommend funding to construct ''all-weather roads'', since the existing roads become impassable after relatively little rainfall. The current situation prohibits the Border Patrol from actually reaching the border and interrupts repair and maintenance on the fence. Rain also precludes the Border Patrol from working close to the border in a high visibility, deterrent posture. Agents must pull back and work from hardpacked or paved streets during these periods. With an all-weather road system, Border Patrol agents would have access to the fence even during the extended rainy season.

We fully recognize the usefulness and need for border fencing and have been at the forefront of fencing innovations for many years. Single fencing is a valid deterrent in many areas and we will continue to use this tool at various locations to meet the needs of the San Diego Sector Border Patrol. In some carefully selected areas, multiple fencing may be appropriate. Other deterrence technologies, such as enhanced communications systems, lighting, low light television systems and fixed infrared/daylight cameras also will compliment the existing and planned fencing. In our view, the actual deployment of personnel, physical barriers, technology and operational judgments are decisions best left to the Border Patrol with responsibility for the day-to-day operation at the ground level.

Please do not hesitate to contact me if I can be of further assistance. The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Mrs. FEINSTEIN. Both these letters, Mr. President, make a strong case and, to me, a convincing case that the current $12 million proposal to construct a triple-fence barrier along the entire 14-mile stretch is not feasible, and would not accomplish the intended goals, and could pose safety risks for Border Patrol agents.

The INS argues that some border areas are not suitable for multiple fences and are not sealed off by a single barrier because of the steep terrain. They made the case that it would be difficult if not impossible to erect a triple fence in these areas at below a cost of $110 million—far above the $12 million in this proposal.

This, to me, is overly expensive and a waste of taxpayer money. The INS and Border Patrol argue that a triple fence running for 14½ miles would be dangerous and ineffective.

Now, what this amendment does is present a sensible, cost-effective substitute for the triple fence concept. It has the strong support of the INS, the Border Patrol, and the National Border Patrol Council. Essentially, what the amendment would do is authorize $12 million for construction of a vitally needed all-weather road system along the border. It would allow for the low-light television system, more ground sensors and infrared night-vision equipment. It would also provide some flexibility with respect to the border fence itself.

I am told that of the 14 mile area, the INS has located eight locations which it has said could be suitable for three-tier barriers that range in length from half a mile to 3 miles in length. That totals about 9½ miles. Once again, their top priority would be construction of an all-weather road system in this area.

What this amendment does, bottom line, is say, ''INS, use your best judgment.'' There is $12 million authorized. Have flexibility. Be able to create your all-weather roads, the necessary infrastructure, and use the triple fencing where it is safe and makes sense to do so.

I think that is the appropriate way, really, to handle this situation.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3776 TO AMENDMENT NO. 3743

(Purpose: To strike the provision relating to the language of deportation notice)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. SIMON, proposes an amendment numbered 3776 to amendment No. 3743.

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 amendment is as follows:

Beginning on page 99, strike line 10 and all that follows through line 13.

Mrs. FEINSTEIN. Mr. President, this amendment essentially corrects what I believe is a mistake in the bill. Present law allows for the use of both English and Spanish in deportation orders. The bill, as it came out of committee, struck that section. Therefore, only English could be used in deportation orders.

Frankly, it does not make sense to give somebody a deportation order that they cannot read. And the dominant majority of illegal immigrants in the State of California speak Spanish only. Therefore, it would make sense that a deportation order be in Spanish and in English.

My amendment would simply strike the English-only requirement. I am joined by Senator SIMON in this amendment that would restore the language to its prior situation.

If I might, I neglected to mention something, and I would like to remedy that, Mr. President. Senator BOXER is a cosponsor on the alternative language on the triple fence.

Mr. President, I ask for the yeas and nays on the second amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside so I can call up an amendment that is now at the desk. I am not going to debate it for more than a couple of minutes.

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

AMENDMENT NO. 3865 TO AMENDMENT NO. 3743

(Purpose: To authorize asylum or refugee status, or the withholding of deportation, for individuals who have been threatened with an act of female genital mutilation)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Ms. MOSELEY-BRAUN and Mr. SIMON, proposes an amendment numbered 3865 to amendment No. 3743.

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

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

The amendment is as follows:

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . FEMALE GENITAL MUTILATION.

(A) CONGRESSIONAL FINDINGS.—The 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;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State or local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the Fourteenth Amendment, as well as under the treaty clause of the Constitution to enact such legislation.

(b) BASIS OF ASYLUM.—(1) Section 101(a)(42) (8 U.S.C. 1101(a)(42)) is amended—

(A) by inserting after ''political opinion'' the first place it appears: ''or because the person has been threatened with an act of female genital mutilation'';

(B) by inserting after ''political opinion'' the second place it appears the following: '', or who has been threatened with an act of female genital mutilation'';

(C) by inserting after ''political opinion'' the third place it appears the following: ''or who ordered, threatened, or participated in the performance of female genital mutilation''; and

(D) by adding at the end the following new sentence: ''The term 'female genital mutilation' means an action described in section 116(a) of title 18, United States Code.''.

(2) Section 243(h)(1) (8 U.S.C. 1253(h)(1)) is amended by inserting after ''political opinion'' the following: ''or would be threatened with an act of female genital mutilation''.

(c) CRIMINAL CONDUCT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

§ 116. Female genital mutilation

''(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) A surgical operation is not a violation of this section if the operation is—

''(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

''(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

''(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

''(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

''(1) that person has undergone female circumcision, excision, or infibulation; or

''(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.''.

''(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''116. Female genital mutilation.''

''(d) EFFECTIVE DATE.—Subsection (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

Mr. REID. Mr. President, I have asked for a vote on amendment No. 3865, the one that has been debated at length in this body on other occasions—in fact, yesterday, during a time that I obtained the floor, I talked about this amendment at some length. This is making female genital mutilation illegal in the United States and a basis for asylum.

I ask unanimous consent that Senator CAROL MOSELEY-BRAUN be added as a cosponsor and that the senior Senator from Illinois, Senator SIMON, be added as a cosponsor.

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

Mr. REID. Mr. President, over 100 million women and girls have been mutilated by this procedure in the world. Six-thousand each day are mutilated—7 days a week, 365 days a year. Most girls, of course, are too young or do not have the means to flee.

Mr. President, 3 years ago, Canada made female genital mutilation a basis for asylum. Since that time, two women have been granted asylum for that reason. So for us to think this is going to open the floodgates for people seeking asylum on that basis, it will not happen. Remember, most of the people upon whom this procedure is performed are little girls.

So we do not have to fear a wave of immigrants coming and claiming this as a basis for their coming here. But the United States must take a stand and speak out against this horrid practice. We must make it illegal and recognize it as basis for asylum.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. SIMPSON. What is the status?

Mr. REID. I say to my friend this, and I should have said this earlier, before I answered the Senator's question. I appreciate the work on this immigration bill. I appreciate the work the Senator has done on helping me with

other amendments and a managers' amendment. I have worked with the Senator on this issue and on a number of different pieces of legislation.

I asked for the yeas and nays on this amendment.

Mr. SIMPSON. Mr. President, I have spent not so many years with people telling me how helpful they can be, and that is the most gratifying thing that I can hardly speak on it through the years. ''I want to help you, Senator SIMPSON.'' But this amendment is not helpful. This is a very controversial amendment.

I share the Senator's views about this brutal procedure. It is a cultural matter. You get into serious issues that are unresolvable. If we are to give the yeas and nays, is the Senator indicating he wishes that to be discussed or debated tonight? According to many I have spoken to, that will take a great deal of debate.

Mr. REID. Any time the Senator wishes. I have no desire as to when the matter is discussed.

Mr. SIMPSON. I then request of my friend, if he wishes to help the cause, not request the yeas and nays, and we will work tomorrow on a time appropriate to deal with that issue.

Mr. REID. That is fine. I withdraw the request for the yeas and nays.

Mr. SIMPSON. I thank the Senator. Certainly, it will not be foreclosed. It is a critical issue. It is also one of those issues that opens some extraordinary avenues of approach in the United States.

Mr. REID. I know the Senator wants to move this bill along. But I did state that Canada made this procedure a basis for asylum 3 years ago, and they have had two people granted asylum in 3 years.

Mr. SIMPSON. That is a very helpful part of the central debate. My friend knows I can trust him and he can trust me.

Let me speak quickly on Senator FEINSTEIN's amendment with regard to the fence. I think that that flexibility may be appropriate. I have carried a good deal of water on this. I do not see others here to speak on it. That flexibility may well be appropriate. But with regard to the requirement of deportation notices in Spanish and English—and that is also the amendment of the Senator from California—I would oppose that amendment and let me share just briefly why.

To require that all deportation notices be in Spanish as well as English, when many deportees do not speak Spanish, but rather one of a score of other languages—Spanish is not the language of all people we deport. We deport people from all over the world. Many Spanish speakers do understand English. Many deportees do not speak Spanish and, as I say, it is a puzzle and it is also wasteful. I also believe it is important. It creates the impression that Spanish is equal to English in this country.

Spanish is not equal to English in this country as the common language that is the United States of America. We are going to vote on that soon. I did not vote to make English the official language of the United States when it came up years ago. I will do so now because I think there have been some adjustments, some understandings that will be helpful. But this creates the impression that Spanish is, as I say, equal to English in this country. We should not mandate that our Government conduct its business in any language other than English.

It is in the INS' interest to guarantee that the subject of a deportation order understands its contents. I agree with that, having been a lawyer for 18 years. Therefore—please hear this —the INS does, and should, provide translations, or translators whenever necessary, and not just into Spanish, but into whatever language is most appropriate.

My colleagues should know section 164(a) does not impair the due process rights of any alien in a deportation proceeding—none. So, as I say, I am puzzled at that, unless we are going to ignore scores of other languages and that is apparently what we would do in this instance.

Mr. KENNEDY. Mr. President, I see the Senator from California still on the floor. As I understand it, current law is English and Spanish, but there is also the current practice of also printing that in other languages that are related to the language of the individual that would be subject to the deportation. That is my understanding of what currently exists.

That seems to be the way that it makes most sense. I do not know whether we are trying to make a problem here. I support the Senator. It is my understanding they print it in other languages as necessary. I do not know whether we are making a problem here that does not exist. That happens to be sort of the current situation. I intend to support the Senator.

Mrs. FEINSTEIN. Mr. President, just to respond very briefly to the Senator from Massachusetts, the present act refers to this: Each order to show cause, or other notice in this subsection, shall be printed in English and Spanish and shall specify that the alien may be represented by an attorney in deportation proceedings, et cetera.

All we are putting back in is the reference to English and Spanish. The real fact is that, if on the California border someone is going to get a deportation notice, it really should be in Spanish if one expects them to read it and understand it.

Mr. KENNEDY. If the Senator will yield. As I understand it, the effect of the amendment is to restore current law.

Mrs. FEINSTEIN. That is correct.

Mr. KENNEDY. So supporting the Senator's amendment would effectively restore the current law, which has been well explained by the Senator from California. That permits the English, Spanish, and also the language of the individual that is going to be affected. It seems to me that restoration of the current law is desirable.

AMENDMENT NO. 3829, AS MODIFIED

Mr. KENNEDY. Mr. President, I had introduced earlier amendment 3829 that is pending and has been temporarily set aside. I would like to—it is not the minimum wage—I had actually put that out of my mind for now.

Mr. SIMPSON. It will come back.

Mr. KENNEDY. It will come back.

Mr. President, on 3829, the amendment which was to try to strengthen the protections for certain workers, I send to the desk a modification to the amendment and ask, I believe since the yeas and nays have been ordered, unanimous consent that it be in order to amend the amendment and to amend it as designated.

The PRESIDING OFFICER. Is their objection to modifying the amendment?

Without objection, it is so ordered.

The amendment (No. 3829), as modified, is as follows:

On page 8, line 17, before the period insert the following: ''except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or based on receipt of credible material information, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application''.

Mr. KENNEDY. Mr. President, as I understand it now, with those changes which had been suggested by my friend and colleague, hopefully, it will be acceptable to the Senate. When we reach the hour of 8 o'clock and we begin the consideration, I will ask for a voice vote on this amendment. I will also ask unanimous consent that a colloquy between the Senator from Wyoming and myself be put in place.

I thank the Senator for his assistance in working this through. I think it is a very constructive suggestion, and we welcome his recommendations. Hopefully, it will be accepted in the Senate.

Mr. SIMPSON. Mr. President, I believe there is one other possible objection on my side of the aisle with regard to that. I will have that information in a few moments. With regard to the colloquy, it is perfectly appropriate for me. It resolves the issue.

I say to my friend from California—if I might have the attention of my friend from California, Senator FEINSTEIN, if I could just have a moment with my friend from California, I commend her for her extraordinary work in this field. But what we are trying to avoid here by what we did in the bill is that the law does not give an option to put it in Spanish or English. The present law says that it ''shall be'' in English and Spanish. ''Each order to show cause, or other notice under this subsection, shall be in English and Spanish,'' which seems absurd when you are

presenting it to Chinese or someone else. That is why we dropped it.

It was not so we could be sinister. It is absolutely bizarre that someone from any other country on Earth, non-Spanish-speaking country, is presented with this order in English and Spanish which is a waste of resources of the INS. Our provision would simply allow the translators and interpreters to be there, and they would. They are there. You can require that in any language of the dozens or hundreds of the world. That is what that was. It was a requirement. There was no option to it.

Mrs. FEINSTEIN. Will the Senator yield for a question?

Mr. SIMPSON. Yes.

Mrs. FEINSTEIN. My concern is that if this is removed from the bill, deportation notices, particularly in California, will go out in English only, and the great bulk of them go to Spanish. So we are taking out the requirement that it be—just as the Senator said, and as I believe I read—in English and Spanish, but we are replacing that with silence. My concern is that the silence will be interpreted and in English only. Therefore, we will have people who will not be able to read their notice.

Mr. SIMPSON. Mr. President, I respectfully say that the INS has translators in each of these situations. There is a clear understanding because a deportation notice is a serious issue, and the current law requires—demands—and says ''shall'' even if the alien does not speak Spanish. If the alien does speak Spanish, there is someone there from the INS, and it does not matter what language. That person is then provided with the translation and the translators to be certain that they heard what was said.

If you remember the Medvid issue, the Soviet ship jumper, we not only had a person there speaking Russian; we had a person there speaking Ukraine.

That is what we do in this situation. All we are saying is it seems rather puzzling to know that, though we are going to have deportees from the wide world over, we still then have presented something that is printed in English and Spanish regardless of who they are.

Mr. KENNEDY. Mr. President, I ask unanimous consent that if a rollcall vote on amendment 3829 is required, it occur following the series of votes that have already been ordered to begin at 8 o'clock.

That is already part of the order?

The PRESIDING OFFICER. The vote will now occur on——

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I ask unanimous consent that we have 2 more minutes so that the floor manager can list the order of the various amendments for the information of the Members of the Senate.

Mr. HELMS. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I will agree if the Senator will agree to have 10-minute votes after the first one in the series that the unanimous-consent request would follow.

Mr. KENNEDY. Mr. President, that is more than fine with me. That would be a decision I would leave to the majority, but it is more than fine with me.

Mr. SIMPSON. Let me say, Mr. President, to my friend from North Carolina, it is perfectly appropriate with me that every succeeding vote will be 10 minutes in duration. But I have a bit of a problem with regard to the amendment, the first amendment of Senator FEINSTEIN. One of our Members who would like to speak on that issue has been a great supporter of the amendment as it left the Judiciary Committee, and so I would ask that that simply not be part of the vote, and it is not. We were going to possibly accept that, but there will be further debate on that at least from one Member on our side.

So we will have four amendments to vote on so that our colleagues will know the lay of the land. The first amendment is a Kennedy amendment to determine work eligibility of prospective employees. The second is a Simon amendment to adjust the definition of ''public charge.'' The third is to allocate a number of investigators with regard to complaints.

Now, that one we may get taken care of with a colloquy.

And then the fourth one, and I would ask unanimous consent that a vote occur with respect to the Feinstein amendment No. 3776 last in the sequence under the same terms as previously entered.

The PRESIDING OFFICER. The Chair would ask the Senator from Wyoming to withhold the unanimous-consent request until we act on the unanimous-consent request of the Senator from Massachusetts.

Does the Senator from North Carolina object?

Mr. HELMS. I will object unless it is made clear in the unanimous-consent request that the first vote be 15 minutes and the succeeding three be 10 minutes each.

Mr. SIMPSON. Mr. President, I would certainly add that.

Mr. HELMS. Very well. In that case, I have no objection, Mr. President.

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

Mr. SIMPSON. Mr. President, we move fast. Let me just say that if someone on the other side of the aisle were late for the first 15-minute vote, it might be a problem. It is not to me. But let the record show that there is also 2 minutes equally divided on each of these amendments, so that our colleagues will be aware of that.

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

Mr. KENNEDY. Mr. President, have the yeas and nays been ordered on 3816?

The PRESIDING OFFICER. Yes, they have been ordered.

VOTE ON AMENDMENT NO. 3816

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3816. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Maine [Mr. COHEN] is necessarily absent.

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—32

Akaka	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Inouye	Pell
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Feingold	Leahy	

NAYS—67

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Nunn
Boxer	Gregg	Pressler
Brown	Hatch	Pryor
Bryan	Hatfield	Reid
Bumpers	Heflin	Roth
Burns	Helms	Santorum
Campbell	Hollings	Shelby
Chafee	Hutchison	Simpson
Coats	Inhofe	Smith
Cochran	Jeffords	Snowe
Coverdell	Johnston	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Levin	Thurmond
Domenici	Lieberman	Warner
Exon	Lott	Wyden
Faircloth	Lugar	
Feinstein	Mack	

NOT VOTING—1

Cohen

So the amendment (No. 3816) was rejected.

AMENDMENT NO. 3809

The PRESIDING OFFICER. On amendment No. 3809, there will now be 2 minutes for debate equally divided.

Mr. SIMPSON. May we have order, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SIMPSON. Mr. President, so that our colleagues will know the procedure and the schedule, we have three amendments with a 10-minute time agreement. One of those may be resolved within a few minutes. So the maximum will be three, unless the leader has something further. The minimum will be two.

Mr. President, now we are on the Simon amendment No. 3809 with 1 minute on each side. I yield to my friend, Senator SIMON.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. This is an amendment, my colleagues, that conforms the Senate bill to the House bill for the basis

of deportation. Under the language that is now in the bill, without this amendment, any kind of Federal assistance may be a basis for deportation if you receive it for 1 year.

For example, a student who would get a student loan, where the sponsor either had to have gone bankrupt or did not have the income, together with the income of the family that came in, that would be a basis for deportation. If in rural Kentucky or Illinois someone got rural transportation for elderly and the disabled, that would be a basis for deportation. That just does not make sense. We keep the AFDC, SSI, food stamps, Medicaid, housing, and State cash assistance. If you get any of those for 1 year, you can be deported, but not any general Federal program.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, one of the improvements made by the bill is in the definition of ''public charge'' and ''affidavits of support.'' The bill defines ''public charge'' with reference to taxpayer-funded assistance for which eligibility is based on need.

Mr. President, I believe that this definition is quite consistent with the general policy requiring self-sufficiency of immigrants. Programs should not be limited to cash programs. The noncash programs are also a serious burden on the taxpayers. If the immigrant uses such taxpayer-funded assistance, he or she is a public charge. How else should the term ''public charge'' be defined than someone who has received needs-based taxpayer-funded assistance? That person has not been self-sufficient, as the American people had a right to expect.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment No. 3809. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. I announced that the Senator from Maine [Mr. COHEN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—36

Akaka	Hatfield	Mikulski
Bingaman	Hollings	Moseley-Braun
Bradley	Inouye	Moynihan
Breaux	Jeffords	Murray
Chafee	Kennedy	Nunn
Daschle	Kerrey	Pell
Dodd	Kerry	Robb
Dorgan	Kohl	Rockefeller
Feingold	Lautenberg	Sarbanes
Glenn	Leahy	Simon
Graham	Levin	Wellstone
Harkin	Lieberman	Wyden

NAYS—63

Abraham	Bennett	Boxer
Ashcroft	Biden	Brown
Baucus	Bond	Bryan
Bumpers	Gorton	McConnell
Burns	Gramm	Murkowski
Byrd	Grams	Nickles
Campbell	Grassley	Pressler
Coats	Gregg	Pryor
Cochran	Hatch	Reid
Conrad	Heflin	Roth
Coverdell	Helms	Santorum
Craig	Hutchison	Shelby
D'Amato	Inhofe	Simpson
DeWine	Johnston	Smith
Dole	Kassebaum	Snowe
Domenici	Kempthorne	Specter
Exon	Kyl	Stevens
Faircloth	Lott	Thomas
Feinstein	Lugar	Thompson
Ford	Mack	Thurmond
Frist	McCain	Warner

NOT VOTING—1

Cohen

The amendment (No. 3809) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, there will not be a necessity for two more rollcall votes. Only one will be required.

AMENDMENT NO 3829

Mr. SIMPSON. Mr. President, it is my understanding that under the revised language the Department of Labor cannot initiate a compliance review, random or otherwise, on its own initiative.

If the Department of Labor receives credible, material information giving it reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the INA, or had failed to comply with the terms and conditions of such an application, then the Department of Labor may investigate that complaint, but only that complaint.

The credible, material information may come from any source outside the Department of Labor.

Mr. KENNEDY. That is correct.

Mr. SIMPSON. I urge the amendment be adopted.

Mr. KENNEDY. Mr. President, I hope we could have a voice vote on this amendment. We have adjusted the amendment to respond to some of the concerns.

Mr. SIMPSON. On behalf of our majority leader, I announce this will be the last vote this evening.

Mr. KENNEDY. Mr. President, all this amendment does is provide equal treatment for the temporary workers and the permanent workers in terms of the enforcement procedures. There has been a recent IG report outlining the difficulties and complexity. We have modified the amendment, and I would hope that it would be adopted.

The PRESIDING OFFICER. Without objection, the Senator's amendment is agreed to.

So the amendment (No. 3829) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3776

The PRESIDING OFFICER. The pending question is amendment No. 3776 offered by the Senator FEINSTEIN. The yeas and nays have been ordered, and there will be 2 minutes of debate equally divided.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, the present law states that deportation notices will be sent out in Spanish and English. The bill coming out of committee deletes this. So deportation notices would be sent out in English, essentially. There is no requirement in the law.

What we would do in this amendment is strike what is recommended and go back to present law, so that deportation notices are required to be sent out in Spanish and English. The reason is because the great majority of illegal immigrants penetrating across the Southwest border speak Spanish, and the overwhelming bulk of them do not speak English. Therefore, when they receive a deportation notice, they should be able to read it. So we would retain the language of present law.

Mr. SIMPSON. Mr. President, to require that all deportation notices be in Spanish, as well as in English, when many deportees do not speak Spanish but rather one of other scores of languages, and many Spanish speakers do understand English, I think makes little sense.

I think you have to remember that it is in the INS's interest to guarantee that the subject of a deportation order understands what it is. Therefore, today, all the INS does is provide translations, or translators, whenever necessary in any language, not just Spanish, but into whatever language is most appropriate. That is the essence. So that we remove the word ''shall.'' It is difficult to have someone delivered a deportation notice in English or Spanish when they are Chinese. There is no requirement for it. They will be taken care of by the INS through all types of deportation procedures, including translators.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3776 offered by Senator FEINSTEIN.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Maine [Mr. COHEN] is necessarily absent.

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—42

Abraham	Breaux	D'Amato
Akaka	Bumpers	Daschle
Bingaman	Byrd	DeWine
Boxer	Conrad	Dodd

Domenici	Johnston	Murray
Feingold	Kennedy	Pell
Feinstein	Kerrey	Robb
Ford	Kerry	Rockefeller
Graham	Kohl	Sarbanes
Harkin	Lautenberg	Simon
Hatch	Lieberman	Snowe
Hollings	Mikulski	Thompson
Hutchison	Moseley-Braun	Wellstone
Inouye	Moynihan	Wyden

NAYS—57

Ashcroft	Frist	Mack
Baucus	Glenn	McCain
Bennett	Gorton	McConnell
Biden	Gramm	Murkowski
Bond	Grams	Nickles
Bradley	Grassley	Nunn
Brown	Gregg	Pressler
Bryan	Hatfield	Pryor
Burns	Heflin	Reid
Campbell	Helms	Roth
Chafee	Inhofe	Santorum
Coats	Jeffords	Shelby
Cochran	Kassebaum	Simpson
Coverdell	Kempthorne	Smith
Craig	Kyl	Specter
Dole	Leahy	Stevens
Dorgan	Levin	Thomas
Exon	Lott	Thurmond
Faircloth	Lugar	Warner

NOT VOTING—1

Cohen

So the amendment (No. 3776) was rejected.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. SIMPSON. Mr. President, I thank all of my colleagues, especially Senator KENNEDY, my fellow floor manager on that side of the aisle, for the extraordinary support and assistance today in moving the issue along.

Now I am going to propound a unanimous consent-request. I have shared this with my fellow manager so that we might move tomorrow to what I think will be a conclusion hopefully of this legislation, or at least a portion of it, a large portion of it.

I ask unanimous consent that the following amendments be the only remaining amendments in order prior to the vote on the Simpson amendment, as amended, provided that all provisions of rule XXII remain in order notwithstanding this agreement. And I hereby state the amendments: Abraham, Abraham, DeWine, Bradley, Graham, Graham, Graham, Graham—four Graham amendments—Leahy, Bryan, Harkin, three Simpson amendments, Chafee, Hutchison, DeWine again, Graham, Gramm of Texas, Senator Simon two, Senator Wellstone two, Senator Kennedy two, Reid, Robb, Feinstein No. 3777, Simpson No. 3853, and Simpson No. 3854.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. SIMPSON. Mr. President, I would ask approval of that agreement.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I thank Senator SIMPSON and our other colleagues for their attention and for their cooperation during the day. We had several interruptions which were unavoidable. We had an opportunity to debate several matters.

It does look like a sizable group remain. As of yesterday, there were 156 amendments, so we have disposed probably of 6 or 8 and we are down to 28. So we are moving at least in the right direction. From my own knowledge from some of our colleagues, they have indicated a number of these are place holders.

We will have some very important measures to take up for debate tomorrow, and we will look forward to that and to a continuing effort to reach accommodation on the areas where we can and to let the Senate speak to the areas we cannot.

Mr. President, I thank my colleague and friend from Wyoming and all of our staffs. We will look forward to addressing these issues on tomorrow.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, for the leader, I have several unanimous-consent requests. I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

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

WARD VALLEY

Mr. PRESSLER. Mr. President, 16 years ago, we in Congress passed the Low-Level Radioactive Waste Policy Act. This bill gave the States the responsibility of developing permanent repositories for this Nation's low-level nuclear waste. Now the Clinton administration wants to take away that authority.

For 8 years, South Dakota, as a member of the Southwestern Compact, along with North Dakota, Arizona and California, has worked to fulfill its duty to license a storage site. It did the job.

Ward Valley, CA is the first low-level waste site to be licensed in the Nation. After countless scientific and environmental studies and tests, the State of California and the Nuclear Regulatory Commission approved Ward Valley as a safe and effective place to store the Southwestern Compact's low-level radioactive waste.

However, there is one problem. Ward Valley is Federal land. It is managed by the Bureau of Land Management.

The Southwestern Compact has requested that Ward Valley be transferred to the State of California. The Clinton administration refuses to take action. Instead, it has stalled—again, and again, and again.

First, the Secretary of the Interior ordered a Supplemental Environmental Impact Statement. Then, he ordered the National Academy of Sciences to perform a special report on the suitability of Ward Valley for waste storage. Each study presented the Southwestern Compact with a clean bill of health for Ward Valley. Yet, the administration still delays.

Now, the administration has ordered additional studies on the effects of tritium—studies the State of California already intended to perform, but not until the land transfer was complete. Also, I would note, the National Academy of Sciences made no mention that such studies should be a prerequisite to the land transfer.

Instead, the Academy believes that this type of study should be ongoing—conducted in conjunction with operation of the waste storage facility. Unfortunately, I suspect that even if California gives in to demands and performs these tests, the administration will just think up new demands—anything to keep the Ward Valley waste site from becoming reality.

So who benefits from these delays? No one. This is yet one more example of the Clinton administration's pandering to the environmental extremists—extremists intent on waging a war on the West.

Scientific evidence shows that Ward Valley is a safe location for low-level radioactive waste storage. Neither public health nor the environment will be at risk. In fact, most of the waste to be stored at Ward Valley is nothing more than hospital gloves and other supplies which may have come in contact with radioactive elements used by healthcare providers.

By contrast, continued delays creates risks—both to public health and the environment. Currently, low-level waste is simply stored on site—at hospitals, industries, or research institutions. In the four States of the Southwestern Compact, there are over 800 low-level radioactive waste sites. These sites were not meant to be permanent facilities. Thus, there have been no environmental studies, no long-term monitoring systems, nothing to guarantee safe storage of the waste.

With no regional low-level radioactive waste storage sites available, South Dakota is forced to transport its low-level radioactive waste across the country to a disposal facility in Barnwell, S.C.

Clearly, the costs of transporting this waste across the country are great—from the monetary cost to the waste generators, to the legal ramifications of transporting hazardous waste,

to the potential Superfund liability incurred by the State and the generators. This is far too costly a price—one my State can't continue to bear.

That is why, Mr. President, I am a cosponsor of legislation pending in the Senate to convey Ward Valley to the State of California, and to allow the construction of the Ward Valley low-level radioactive waste storage site to continue unimpeded. The Senate Energy and Natural Resources Committee voted in favor of this bill.

This legislation is ready for Senate action. This legislation is necessary only because politics got in the way of good science. Transferring land such as Ward Valley is a common procedure for the administration. However, because of a political fight waged by environmental extremists, this conveyance has been held up for more than 2 years. This fight, this continued delay, will continue unless Congress acts.

We have the opportunity to institute a rational approach to the process. By approving this legislation, we can allow the Southwestern Compact—and the rest of the States—to comply with the law we created. I urge my colleagues to support this legislation, and to allow good science to prevail, rather than politics.

Mr. President, I ask that correspondence between South Dakota Governor Janklow and Gov. Pete Wilson of California regarding the Ward Valley low-level radioactive waste storage site be printed in the RECORD.

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

STATE OF SOUTH DAKOTA,
Pierre, SD, April 2, 1996.

Hon. PETE WILSON,
Governor, State of California, State Capitol, Sacramento, CA.

DEAR GOVERNOR WILSON: Thank you for your letter concerning the Southwestern Low-Level Radioactive Waste Disposal Compact and the site of the facility in Ward Valley. While the site in Ward Valley is currently owned by the federal Bureau of Land Management, the bureau has for about 10 years declared its intent to sell to California.

I, too, am concerned and upset with the continuing needless delays imposed by the U.S. Department of the Interior on the Ward Valley land transfer. California has made tremendous efforts attempting to comply with the federal Low-Level Radioactive Waste Disposal Act and its Amendments. While these efforts have resulted in the issuance of the first license to construct a new low-level disposal site in this nation's recent history, implementation of this license has been set back again and again by the federal government. If these delays cause our generators within the Southwestern Compact to ship wastes across the United States to Barnwell, South Carolina for disposal, I fully agree that the federal government must comply with those stipulations you set forth in your letter.

Study after study has shown the proposed facility at Ward Valley to be protective of human health and environmentally safe. The U.S. Congress has it right the first time; the Southwestern Compact can solve the problem of disposal of the low-level radioactive wastes generated within its states. But, we can do it only if the federal government will transfer the site and let us get on with it.

While I agree that the latest actions of the U.S. Department of the Interior appear to confirm the notion that the Clinton Administration is trying to usurp the states' duly delegated power to regulate low-level waste disposal, I am still hoping the transfer can occur soon. If the delays by the Department of the Interior were to result in repeal of the Low-Level Radioactive Waste Disposal Act and place the responsibility for trying to manage this problem, in the federal government, that would be a huge step backwards.

Thank you again for your letter and for your efforts on behalf of the entire state of California and the other states in the Southwestern Compact to develop a responsible and safe disposal site for low-level waste.

Sincerely,

WILLIAM J. JANKLOW,
Governor.

SACRAMENTO, CA,
February 16, 1996.

Hon. WILLIAM J. JANKLOW,
Governor, State of South Dakota, Pierre, SD.

DEAR BILL: As the host state for the Southwestern Low-Level Radioactive Waste Disposal Compact, California has labored diligently for ten years to establish a regional disposal facility in accordance with the federal Low-Level Radioactive Waste (LLRW) Policy Act. This facility would serve generators of LLRW in you state and the other compact states. In the absence of this facility, these generators have no assured place to dispose of their LLRW.

To fulfil its obligations, California carefully screened the entire state for potential sites, evaluated candidates sites and selected Ward Valley from those candidates as the best site in California for the regional disposal facility. Although the site is on federal land, the Bureau of Land Management has for about ten years now declared its intent to sell it to California. We identified a qualified commercial operator to apply for a license to construct and operate a facility at that site, and took steps to acquire this land from the federal government. We subjected the application for the license to a scrupulous review to ensure that the facility would satisfy in every respect the health and safety requirement established the Nuclear Regulatory Commission.

A comprehensive Environmental Impact Report was prepared for the project, and an Environment Impact Statement (EIS) and Supplemental EIS were prepared for the land transfer. We subsequently became the first state to license a regional disposal facility under the LLRW Policy Act, and have successfully concluded our defense of that license and related environmental documents in the State courts. In short, California has in good faith has done all it can to fulfil its obligations to your state under the Compact and federal law.

The sole obstacle to the completion of this project is the failure of the U.S. Department of the Interior to transfer the Ward Valley site to California. After abruptly canceling the agreed-to transfer almost completed by former Secretary Manuel Lujan, Interior Secretary Babbitt has created a series of procedural delays ostensibly based upon his own health and safety concerns. He demanded a public hearing, then abruptly canceled it. He asked the National Academy of Sciences (NAS) to review site opponents' claims, then ignored NAS conclusions that these claims are unfounded and that the site is safe. He has unreasonably and unlawfully demanded that California agree to continued Department of the Interior oversight of the project after the transfer. Now, according to the attached press release, he intends to have the Department of Energy conduct independent testing at Ward Valley, and then will require another Supplemental EIS before deciding upon the conditions for transfer.

Every person and organization which has anxiously followed California's decade-long effort has concluded from this latest set of demands that the Clinton Administration has no intention of transferring land to California for our regional disposal facility. I cannot help but agree. There is no scientific basis for further testing prior to construction or legal requirement for a Supplemental EIS. These demands are purely political, and made for the sole purpose of delaying, if not terminating, the Ward Valley project. It is clear that, once these demands are met, more demands will be made. In short, because President Clinton doesn't trust the states to assume the obligations which Governor Clinton asked Congress to give the states, he has proven that the LLRW Policy Act does not work. Faced with this lack of political will to implement the policy he himself once supported, many now question the wisdom of expending further resources in a futile effort to further that policy.

The intransigence of the Clinton Administration in connection with the Ward Valley land transfer leaves me few options as Governor of California. The Ward Valley site is clearly the best site in California for LLRW disposal, a fact upon which my predecessor Governor Deukmejian and former President Bush agreed. All other sites, including the alternative site in the Silurian Valley, present potential threats to public safety not found at the Ward Valley site. The Silurian Valley site is also located on federal land, and there is no reason to believe that the Clinton Administration has any greater motivation to transfer that site.

Consequently, to continue the effort to establish a regional disposal facility, California would need to identify a site on privately-owned land which would be technically inferior to Ward Valley and would be unlikely to license in accordance with California's and my own uncompromisingly high standards for the protection of public health and safety. For these reasons, I would personally oppose identifying any other potential disposal site in California.

Therefore, as Governor of California, I am compelled to inform you that, because the Clinton Administration has made compliance with our obligations impossible, California will be unable to provide a regional disposal site for your state and the other states of the Compact during the tenure of this president. California will continue to seek title to the Ward Valley land, but will devote greater resources to a repeal of the LLRW Policy Act, and to the enactment of federal legislation making the federal government responsible for the disposal of LLRW.

The Department of the Interior has formally announced that California's LLRW generators are not harmed by its interference with the opening of the Ward Valley LLRW disposal facility because they have access to the disposal facility in Barnwell, South Carolina. Given the public safety threat to the good citizens of South Carolina, and the additional costs and exposure to liability to users, I find this suggestion questionable. Nevertheless, in order to make this an even marginally acceptable solution, I am calling upon the federal government to do all of the following:

Assume responsibility for assuring continued access for all California generators of LLRW to Barnwell;

Subsidize the amount of any transportation costs to Barnwell which exceed transportation costs to Ward Valley;

Ensure that California generators obtain any necessary permits for transportation across the United States and to Barnwell;

Indemnify California generators and transporters for any liability which might result from the necessity to transport California waste from coast to coast; and most importantly;

Hold California generators, including the University of California and other state entities, harmless from any federal or state cleanup related (Superfund or CERCLA) liability which they might potentially incur as a result of using a waste facility which is on a substantially less protective site than Ward Valley and which has already experienced tritium migration to groundwater.

If LLRW generators in your state have problems with storage or with use of Barnwell similar to those of California generators, I urge you to join with me in demanding similar relief.

Sincerely,

PETE WILSON.

WETLANDS AND THE NEW FARM BILL

Mr. GRASSLEY. Mr. President, I would like to enter into a colloquy with the Senator from Indiana, Senator LUGAR, who is the chairman of the Committee on Agriculture, Nutrition, and Forestry and who was a manager of the recent conference on H.R. 2854, the 1996 farm bill.

As the Senator from Indiana knows, we had a problem in Iowa in 1994 and 1995 with the Natural Resources Conservation Service delineating wetlands. It is my understanding that NRCS used aerial photography and soil surveys to review prior wetland delineations. In most cases, NRCS found additional wetland acreage on the farmland subject to this review.

This caused a lot of anxiety and uncertainty for these landowners. They had accepted the initial delineation, changed their farming practices accordingly and then, through no action of their own, received a new, more expansive delineation.

The Senator will recall that because of this situation I introduced a moratorium on new delineations until passage of the new farm bill. This moratorium passed the Senate by unanimous consent and was later accepted by the Department of Agriculture.

Mr. LUGAR. I would respond to my friend from Iowa that I am fully aware of the situation that he refers to in his State.

Mr. GRASSLEY. I am concerned that a change made to the Conference Report shortly before it was filed in the House may result in a similar situation occurring in the future. It is my understanding that the Conference Committee intended to give farmers certainty in dealing with wetlands. One way of accomplishing this goal was to allow prior delineations of wetlands to be changed only upon request of the farmer.

Mr. LUGAR. Mr. President, this is also my understanding.

Mr. GRASSLEY. After the conferees met, while the legislative language carrying out the various agreements was being finalized, the Department of Agriculture suggested a technical correction to this provision. Section 322 of the bill amends section 1222 of the 1985 farm bill to say that ''No person shall be adversely affected because of having taken an action based on a previous certified wetland delineation by the Secretary. The delineation shall not be subject to a subsequent wetland certification or delineation by the Secretary, unless requested by the person * * *.''

My concern is that this could read to allow the Department to change delineations that have not yet been certified. I don't argue with this, per se. I am sure there is a need for granting NRCS this authority in some specific situations.

But again, I do not want a repeat of this situation in Iowa in 1994 and 1995. Specifically, I do not want the NRCS to use this language to conduct a massive review of wetland delineations. This will just cause further uncertainty and confusion in the farm community. It can only lead to ill will between our farmers and the NRCS and should be avoided at all cost.

Under the able leadership of Chairman LUGAR, we have made some very positive changes in the 1996 farm bill that will lead to a more cooperative relationship between farmers and the NRCS. I hope this progress will not be undermined by the provision I mentioned.

Mr. LUGAR. Mr. President, we expect that the Department of Agriculture will be mindful of the need to balance the very legitimate concerns that the Senator from Iowa raises today with the desires of producers for certainty in the identification of wetlands. In addition, the rights of producers to appeal decisions should be protected. The Agriculture Committee will monitor developments as the Department develops regulations to carry out the provisions of the newly enacted farm bill, Public Law 104–127. I also encourage my colleague from Iowa and all concerned parties to contribute their input when the regulations are put out for comment.

In summary, while we realize that some administrative formalities will be necessary to give producers certainty regarding the boundaries of wetlands, we do not expect large-scale, wholesale reviews of existing wetland determinations as a result of the new legislation.

WHO NEEDS AMBASSADORS?

Mr. KENNEDY. Mr. President, Richard N. Gardner, the U.S. Ambassador to Spain, recently addressed the American Society of International Law on the subject, ''Who Needs Ambassadors?''

Ambassador Gardner, who served in the Department of State under President Kennedy, as Ambassador to Italy under President Carter, and now as President Clinton's Ambassador to Spain, is among the Nation's most highly regarded experts on international relations, and is uniquely qualified to answer this important question.

Ambassador Gardner is rightly concerned about the fervor of some to slash our already small foreign policy budget because of the simplistic view that the Nation's foreign policy requirements are less significant than during the cold war.

Ambassador Gardner emphasizes that our foreign policy before the cold war was ''trying to create a world in which the American people could be secure and prosperous and see their deeply held values of political and economic freedom increasingly realized in other parts of the world.'' He also reminds us that this is still the purpose of our foreign policy.

There is a tendency by some to suggest that there is a lesser need for a U.S. presence abroad, and that in an era of instantaneous information, a fax machine is all we need to conduct foreign policy. As Ambassador Gardner points out, however, our embassies serve many important functions, not least of which are to build bilateral and multilateral relationships for mutual benefit, serve as the eyes and ears of the President and the State Department, and carry out U.S. policy objectives abroad. As Ambassador Gardner notes: ''Things don't happen just because we say so. Discussion and persuasion are necessary. Diplomacy by fax simply doesn't work.''

The foreign policy budget of this country is only about 1 percent of our total budget. Yet some in Congress propose to reduce it even further. As Ambassador Gardner states, further cuts ''will gravely undermine our ability to influence foreign governments and will severely diminish our leadership role in world affairs.''

Global interdependence is a fact of life. The United States foreign policy is best served by actively engaging with other nations, rather than reacting at greater cost to events we don't see coming because we are trying to conduct foreign policy on the cheap.

Mr. President, I believe that my colleagues will be interested in Ambassador Gardner's remarks and I ask unanimous consent that his address be printed in the RECORD.

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

WHO NEEDS AMBASSADORS?

(By Richard N. Gardner)

I was tremendously honored and pleased when Edith Weiss asked me to be the banquet speaker at this year's ASIL meeting.

Honored because I know how many illustrious statesmen and scholars have preceded me in this role. Pleased because your invitation gives me the chance to return from my diplomatic assignment in Madrid to be with many old friends, such as my Columbia Law School colleagues Oscar Schachter, Louis Henkin and Lori Damrosch, and with President Edie Weiss who took one of my seminars some twenty years ago when she came to Columbia Law School as a Visiting Scholar.

Edie, your Presidency of this Society is a splendid recognition of your achievements as teacher, public servant, and scholar. My congratulations also to Charles Brower, your

President-elect, one of the world's leading experts in international arbitration, whose service as Judge in the Iran-U.S. Claims Tribunal earned the admiration of us all.

This Society is now 90 years old. I came to my first annual meeting when the Society was just half its present age—in 1951, to be exact. I was in my third year at Yale Law School and had fallen under the hypnotic spell of Myres McDougal and Harold Lasswell. My exposure to them and to the other ''greats'' of your 1951 meeting persuaded me to make a career in international law. I have never regretted this decision.

Fourteen years after my first annual meeting, in 1965, you made me one of your two banquet speakers. The other banquet speaker was Secretary of State Dean Rusk. Louis Sohn was the Toastmaster and explained to me that I was on the program in case the Secretary of State didn't show up.

That did not in the least diminish my pleasure in being on that podium. I delivered a brief summary of what I'm sure was a rather too detailed lecture about U.N. decision-making procedure and power realities.

Secretary Rusk delivered his speech on Vietnam, which provoked a lively discussion period. I recall that one of the questions to the Secretary was about the possible role of fact-finding in the Vietnamese conflict. It was asked by a young international lawyer named Thomas Franck. At the end of the evening Secretary Rusk asked me: ''Who is that young man? I think he'll go far.''

When President Jimmy Carter appointed me U.S. ambassador to Italy, my son—then 13 years old—said, ''Dad, you mean you're going to be ambassador to Italy, and also get paid for it?'' Thanks to President Clinton, I'm now one of only three Americans in history who have been privileged to serve as ambassador in both Rome and Madrid. I feel very fortunate, indeed, to be in Madrid, although I'm also pleased that I am being paid for it.

But I also come to you as a deeply troubled ambassador. I am troubled by the lack of understanding in our country today about our foreign policy priorities and the vital role of our embassies in implementing them. I sometimes think that what our ambassadors and embassies do is one of our country's best kept secrets.

During the Cold War there was also confusion and ignorance, but at least there was bipartisan consensus on the need for American leadership in defending freedom in the world against Soviet aggression and the spread of totalitarian communism.

Much of my work as ambassador to Italy was dominated by this overriding priority. At a time when some Italian leaders were flirting with the compromesso storico—a government alliance between Christian Democrats and an Italian Communist Party still largely oriented toward Moscow—I was able to play a modest role in making sure the Italians understood why the United States opposed the entry of Communist parties into the governments of NATO allies.

When the Soviet Union began threatening Europe by deploying its SS–20 missiles, it was vitally important for NATO to respond by deploying the Pershing 2 and cruise missiles. It soon became clear that the deployment could not occur without a favorable decision by Italy. Our embassy in Rome was able to persuade an Italian Socialist Party with a history of hostility to NATO to do an about-face and vote for the cruise missile deployment in the Italian Parliament along with the Christian Democrats and the small non-communist lay parties.

Some years later Mikhail Gorbachev said it was the NATO decision to deploy the Pershing and cruise missiles—not the Strategic Defense Initiative as some have claimed—that helped bring him to the realization that his country had to move from a policy based on military threats to one of accommodation with the West.

So at the height of the Cold War, it did not take a genius to understand the need for strong U.S. leadership in the world and for effective ambassadors and embassies in support of that leadership.

Today, however, there is no single unifying threat to help justify and define a world role for the United States. As a result, we are witnessing devastating reductions in the State Department budget which covers the cost of our embassies overseas.

Hence the title of my speech tonight, ''Who Needs Ambassadors?'' I am sure this audience needs no lecture on the subject. But let's face it—the world view of the people in this room is not the world view of most Americans.

The constructive international engagement we all believe in will continue to be at risk until we all do a better job of explaining its financial requirements to the American people and the Congress.

Now that there is no longer a Soviet Union and a Communist threat, what is our foreign policy all about? And what is the current need for ambassadors and embassies?

We need to give simple and understandable answers to these questions, showing how foreign policy and diplomacy impact on the values, interests and daily lives of ordinary Americans. in giving my own answers tonight, I'll be saying many things you will find obvious. But as Adlai Stevenson once said: ''Mankind needs repetition of the obvious more than elucidation of the obscure.'' This is particularly true in this new world of complexity and unprecedented change.

A common refrain heard today is that American foreign policy lacks a single unifying goal and a coherent strategy for achieving it. But precisely because the post Cold War world is so complex, so rapidly evolving, and characterized by so many diverse threats to our interests, it is difficult to encapsulate in one sentence or one paragraph a definition of American foreign policy that has global application.

Perhaps we should start by recalling what our foreign policy was all about before there was a Cold War. It was about trying to create a world in which the American people could be secure and prosperous and see their deeply held values of political and economic freedom increasingly realized in other parts of the world. Well, that is still the purpose of our foreign policy today.

Presidents Franklin Roosevelt and Harry Truman, with broad bipartisan support from Republicans like Wendell Wilkie and Arthur Vandenberg, sought to implement these high purposes with a policy of practical internationalism, which I define as working with other countries in bilateral, regional and global institutions to advance common interests in peace, welfare and human rights.

Our postwar ''founding fathers'' in both political parties understood the importance of military power and the need to act alone if necessary in defense of U.S. interests. But they also gave us the United Nations, the Bretton Woods organizations, GATT, the Marshall Plan, NATO and the Point Four program as indispensable instruments for achieving our national purposes in close cooperation with others.

Why did they do these things?

Because they understood the growing interdependence between conditions in our country and conditions in our global neighborhood.

Because they understood that our best chance to shape the world environment to promote our national security and welfare was to share costs and risks with other nations in international institutions.

And because they understood that our national interest in the long run would best be served by realizing the benefits of reciprocity and stability only achievable through the development of international law.

Listening to much of our public debate, I sometimes think that all this history has been forgotten, that we are suffering from a kind of collective amnesia. I submit that the basic case for American world leadership today is essentially the same as it was before the Cold War began. It is a very different world, of course, but the fact of our interdependence remains. Obviously, in every major respect, it has grown.

In his address to Freedom House last October, President Clinton spelled out for Americans why a strong U.S. leadership role in the world is intimately related to the quality of their daily lives:

''The once bright line between domestic and foreign policy is blurring. If I could do anything to change the speech patterns of those of us in public life, I would almost like to stop hearing people talk about foreign policy and domestic policy, and instead start discussing economic policy, security policy, environmental policy—you name it.

''Our personal, family, and national security is affected by our policy on terrorism at home and abroad. Our personal, family and national prosperity is affected by our policy on market economics at home and abroad. Our personal, family and national future is affected by our policies on the environment at home and abroad. The common good at home is simply not separate from our efforts to advance the common good around the world. They must be one and the same if we are to be truly secure in the world of the 21st century.''

What are the specific foreign policy priorities in the Clinton Administration? In a recent speech at Harvard's Kennedy School, Secretary of State Warren Christopher identified three to which we are giving special emphasis—pursuing peace in regions of vital interest, confronting the new transnational security threats, and promoting open markets and prosperity.

The broad lines of American policy in these three priority areas are necessarily hammered out in Washington. But our embassies constitute an essential part of the delivery system through which those policies are implemented in particular regions and countries.

This includes not only such vital multilateral embassies as our missions to the UN in New York, Geneva and Vienna, and to NATO and the European Union in Brussels, but also our embassies in the more than 180 countries with which we maintain diplomatic relations.

Americans have fallen into the habit of thinking that ambassadors and embassies have become irrelevant luxuries, obsolete frills in an age of instant communications. We make the mistake of thinking that if a sound foreign policy decision is approved at the State Department or the White House, it does not much matter how it is carried out in the field.

This is a dangerous illusion indulged in by no other major country. Things don't happen just because we say so. Discussion and persuasion are necessary. Diplomacy by fax simply doesn't work.

Ambassadors today need to perform multiple roles. They should be the ''eyes and ears'' of the President and Secretary of State; advocates of our country's foreign policy in the upper reaches of the host government; resourceful negotiators in bilateral and multilateral diplomacy. They need to build personal relationships of mutual trust with key overseas decision-makers in government and the private sector. They should

also radiate American values as intellectual, educational and cultural emissaries, communicating what our country stands for to interest groups and intellectual leaders as well as to the public at large.

In a previous age of diplomacy, U.S. ambassadors spent most of their time dealing with bilateral issues between the United States and the host country. Bilateral issues are still important—assuring access to host country military bases, promoting sales of U.S. products, stimulating educational and cultural exchanges are some notable examples. And every embassy has the obligation to report on and analyze political and economic developments in the host country that may impact on U.S. interests.

But most of the work of our ambassadors and embassies today is devoted to regional and global issues—indeed, to acting upon the three key priorities identified by Secretary Christopher in his Kennedy School speech. Let me give you some examples based on my experience in Madrid and with my fellow ambassadors in Europe:

On the first priority: pursuing peace in regions of vital interest:

We are working with our host countries to fashion common policies on the continued transformation of NATO, Partnership for Peace, NATO enlargement, and NATO-Russia relations.

After having secured host country support for the military and diplomatic measures that brought an end to the fighting in Bosnia, we are now working to assure the implementation of the civilian side of the Dayton Agreement, notably economic reconstruction, free elections, the resettlement of refugees, and the prosecution of war crimes.

We are working with host governments to restore momentum to the endangered Middle East peace process by mobilizing international action against the Hamas terrorists and their supporters, providing technical assistance and economic aid to the Palestinian authority, encouraging the vital Syrian-Israeli negotiations, and promoting regional Middle East economic development.

We have been consulting with key European governments such as Spain as well as with the EU Commission in Brussels on how to achieve a peaceful transition to democracy in Cuba.

Although they share this common objective, the Europeans generally oppose the U.S. embargo and the Helms-Burton legislation, while doing nothing to limit investment in Cuba by their citizens. Our embassies are increasingly busy trying to promote allied unity on measures that will increase the pressure on Castro to end his repressive regime.

On the second priority: confronting the new transnational threat:

Having worked successfully with our host governments for the unconditional and indefinite extension of the Non-Proliferation Treaty—a major diplomatic achievement—we are focusing now on building support for a Comprehensive Test Ban Agreement, on keeping weapons of mass destruction out of the hands of countries Like Iran, Iraq and Libya, and on securing needed European financial contributions for the Korean Energy Development Organization, an essential vehicle for terminating North Korea's nuclear weapons program.

We are working to strengthen bilateral and multilateral arrangements to assure the identification, extradition and prosecution of persons engaged in drug trafficking, organized crime, terrorism and alien smuggling, and we are building European support for new institutions to train law enforcement officers in former Communist countries, such as the International Law Enforcement Academy in Budapest.

And we are giving a new priority in our diplomacy to the protection of the global environment, coordinating our negotiating positions and assistance programs on such issues as population, climate change, ozone depletion, desertification, and marine pollution. For we have learned that environmental initiatives can be vitally important to our goals of prosperity and security: negotiations on water resources are central to the Middle East peace process, and a Haiti denuded of its forests will have a hard time supporting a stable democracy and keeping its people from flooding our shores.

On the third priority: promoting open markets and prosperity:

Having worked with out host countries to bring a successful conclusion to the Uruguay Round, we are now busily engaged in discussing left-over questions like market access for audiovisuals, telecommunications, and bio-engineered foods, and new issues like trade and labor standards, trade and environment, and trade and competition policy.

We are also encouraging the enlargement of the European Union to Central and Eastern Europe and we are reporting carefully on the prospects of the European Monetary Union by the target date of 1999 and on the implications of an EMU for U.S. interests.

You can see from this still incomplete catalogue of our activities that our embassies in Europe are in a very real sense global embassies engaged on global as well as on bilateral and regional problems. You might even say we are busy carrying out the foreign policy of the president and the Secretary of State from ''platform Europe.''

In carrying out this rich global foreign policy agenda we will be greatly assisted by the agreement that was reached in Madrid last December between President Clinton, Prime Minister Felipe Gonzalez and President Jacques Santer of the European Commission on the ''New Transatlantic Agenda'' and its accompanying ''U.S.-EU Action Plan.''

These documents were a major achievement of Spain's EU presidency. They represent an historic breakthrough in U.S. relations with the European Union, moving those relations beyond consultation to common action on almost all of the foreign policy questions I cited earlier and many others I have no time to mention.

A senior-level group from the United States, the European Commission and the EU Presidency country (currently Italy) is responsible for monitoring progress on this large agenda and modifying it as necessary.

Just as our embassy in Madrid had a special role in U.S.-EU diplomacy during Spain's EU Presidency, Embassy Rome now has special responsibilities. The action will pass to Embassy Dublin when Ireland takes the EU presidency in the second half of the year.

The Madrid documents commit the U.S. and the EU to building a new ''Transatlantic Marketplace.'' We have agreed to undertake a study on the reduction or elimination of tariffs and non-tariff barriers between the two sides of the Atlantic. Even as the study proceeds, we will be looking at things that can be done rather promptly, such as eliminating investment restrictions, duplicative testing and certification requirement, and conflicting regulations. This means more work not only in Brussels and Washington but in each of our embassies.

We will also be following closely the EU's Intergovernmental Conference (IGC) that is now opening in Turin. The common foreign and security policy provided for in the Maastricht Treaty is still a work in progress. Although the EU provides substantial economic aid and takes important regional trade initiatives, it has so far proved unable to deal with urgent security crises like those in the former Yugoslavia and the Aegean.

The IGC offers an opportunity to revise EU institutions and procedures so that a common foreign and security policy can be made to work in an EU whose membership could grow from 15 to 27 in the decade ahead. We hope that opportunity will be seized.

What changes the IGC should make in the Maastricht Treaty is exclusively for the EU countries to decide, but the United States is not indifferent to the outcome. We believe our interests are served by continuing progress toward European political as well as economic unity, which will make Europe a more effective partner for the United States in world affairs.

I have tried to provide a sense of what U.S. foreign policy is all about in 1996, especially in Europe, and of the critical role that ambassadors and embassies play. I have chosen examples from Europe both because Europe plays a global role and because Europe is currently my vantage point, but you would undoubtedly learn about a rich menu of activity from my ambassadorial colleagues in other key regions of the world if they were here with us tonight.

The question that remains to be answered is whether the American people and the Congress are willing to provide the financial resources to make all this activity possible. The politics of our national budget situation has ominous implications for our foreign policy in general and our international diplomacy in particular.

Let us begin with some very round numbers. We have a Gross Domestic Product of about $7 trillion and a federal budget of about $1.6 trillion. Nearly $1.1 trillion of that $1.6 trillion goes to mandatory payments—the so-called entitlement programs such as Medicare, Medicaid, and social security and also federal pensions and interest on the national debt. The remaining $500 billion divides about equally between the defense budget and civilian discretionary spending—which account for some $250 billion each.

Of the $250 billion of civilian discretionary spending, about $20 billion used to be devoted on the average of years to international affairs—the so-called 150 account. This account includes our assessed and voluntary payments to the UN, our bilateral aid and contributions to the international financial institutions, the U.S. Information Agency's broadcasting and educational exchange programs, and the State Department budget.

Congressional spending cuts have now brought the international affairs account down to about $17 billion annually—about 1 percent of our total budget. Taking inflation into account, this $17 billion is nearly a 50 percent reduction in real terms from the level of a decade ago. For Fiscal Year 1997, the Congressional leadership proposes a cut to $15.7 billion. Its 7-year plan to balance the budget would bring international affairs spending down to $12.5 billion a year by 2002.

Keep in mind that about $5 billion of the 150 account goes to Israel and Egypt—rightly so, in my opinion, because of the priority we accord to Middle East peace. So under the Congressional balanced budget scenario only $7.5 billion would be left four years from now for all of our other international spending.

These actual and prospective cuts in our international affairs account are devastating. Among other things, they mean:

That we cannot pay our legally owing dues to the United Nations system, thus severely undermining the world organization's work for peace and compromising our efforts for UN reform.

That we cannot pay our fair share of voluntary contributions to UN agencies and international financial institutions to assist the world's poor and promote free markets, economic growth, environmental protection and population stabilization;

That we must drastically cut back the reach of the Voice of America and the size of our Fulbright and International Visitor programs, all of them important vehicles for influencing foreign opinion about the United States;

That we will have insufficient funds to respond to aid requirements in Bosnia, Haiti, the Middle East, the former Communist countries and in any new crises where our national interests are at stake;

That we will have fewer and smaller offices to respond to the 2 million requests we receive each year for assistance to Americans overseas and to safeguard our borders through the visa process.

And that we will be unable to maintain a world-class diplomatic establishment as the delivery vehicle for our foreign policy.

A final word on this critical last point. The money which Congress makes available to maintain the State Department and our overseas embassies and consulates is now down to about $2.5 billion a year. As the international affairs account continues to go down, we face the prospect of further cuts. The budget crunch has been exacerbated by the need to find money to pay for our new embassies in the newly independent countries of the former Soviet Union.

In our major European embassies, we have already reduced State Department positions by 25 percent since Fiscal Year 1995. We have been told to prepare for cuts of 40 percent or more from the 1995 base over the next two or three years.

In our Madrid embassy, to take an example, this will leave us with something like three political and three economic officers besides the ambassador and deputy chief of mission to perform our essential daily diplomatic work of advocacy, representation and reporting in the broad range of vitally important areas I have enumerated. Our other embassies face similarly devastating reductions.

I have to tell you that cuts of this magnitude will gravely undermine our ability to influence foreign governments and will severely diminish our leadership role in world affairs. They will also have detrimental consequences for our intelligence capabilities since embassy reporting is the critical overt components of U.S. intelligence collection. In expressing these concerns I believe I am representing the views of the overwhelming majority of our career and non-career ambassadors.

I know this conclusion will be greeted with incredulity by people who see hundreds of people in each of our major embassies overseas. What is not generally realized is that 80 percent of more of these people are from agencies other than the State Department. They are from the Department of Defense, Commerce and Agriculture, the Drug Enforcement Administration and the FBI, the IRS and the Social Security Administration, and so forth. And most of the 20 percent that is the reduced State Department component of the embassies is performing either consular work or administrative tasks in support of the largely non-State diplomatic mission.

Do not misunderstand me. The non-State component of an embassy is very important to our overseas interests. But the agendas of the non-State agencies are narrow and specialized. As the State Department component is slashed in relation to other agencies, it inevitably eviscerates our core diplomatic mission and diminishes the capacity of an ambassador to direct and coordinate the varied elements of his embassy in pursuit of a coherent foreign policy. Moreover, the drastic reduction in foreign service positions discourages the entry of talented young people and forces the selection out of many senior officers with experience and skills we can ill afford to lose.

Under the pressure of Congressional budget cuts, the State Department is eliminating 13 diplomatic posts, including consulates in such important European cities as Stuttgart, Zurich, Bilbao and Bordeaux. The Bordeaux Consulate dated back to the time of George Washington. Try explaining to the French that we cannot afford a consulate there now when we were able to afford one then when we were a nation of 3 million people.

The consulates I have mentioned not only provided important services to American residents and tourists, they were political lookout posts, export promotion platforms, and centers for interaction with regional leaders in a Europe where regions are assuming growing importance. Now they will all be gone.

Closing the 13 posts is estimated to save about $9 million a year, one quarter of the cost of an F–16 fighter plane. Bilbao, for example, cost $200,000 a year. A B–2 bomber costs about $2,000 million. I remind you that $2 billion pays nearly all the salaries and expenses of running the State Department—including our foreign embassies—for a year.

Let us be clear about what is going on. The commendable desire to balance our national budget, the acute allergy of the American people to tax increases (indeed, their desire for tax reductions), the explosion of entitlement costs with our aging population, and the need to maintain a strong national defense, all combine to force a drastic curtailment of the civilian discretionary spending which is the principal public vehicle for domestic and international investments essential to our country's future.

Having no effective constituency, spending on international affairs is taking a particularly severe hit within the civilian discretionary account and with it the money needed for our diplomatic establishment. The President and the Secretary of State are doing their best to correct this state of affairs, but they will need greater support from the Congress and the general public than has been manifest so far if this problem is to be properly resolved.

I submit that it will not be resolved until there is a recognition that the international affairs budget is in a very real sense a national security budget—because diplomacy is our first line of national defense. The failure to build solid international relationships and treat the causes of conflict today will surely mean costly military interventions tomorrow.

As a unique fraternity of international lawyers you know all this. I'm restating the obvious tonight because what is obvious to us does not seem obvious to our body politic. And let's not forget that you can't advance the cause of international law without international diplomacy.

Along with other constituencies adversely affected by the hollowing out of our foreign affairs capability—businessmen, arms controllers, environmentalists, citizen groups concerned about human rights, disease, poverty, crime, drugs and terrorism—you must make your voices heard in the Congress and the mass media.

I close this lugubrious discourse with a story. Danielle and I recently invited two bright third graders from the American School of Madrid to be overnight guests in our residence. During dinner Danielle asked one of them, a precocious little boy of 8, if he knew what ambassadors do.

The little boy looked puzzled for a moment, then smiled and said, ''Save the world.''

As you can imagine, I was pleased by that answer. But then the little boy thought some more and asked: ''Just how do you save the world?''

I don't claim that ambassadors save the world. But until our country can answer the question ''Who needs ambassadors?''—and who needs embassies—we will be heading for big trouble.

MESSAGES FROM THE HOUSE

At 6:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 53. Joint resolution making corrections to Public Law 104–134.

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–2361. A communication from the Executive Director of the National Capital Planning Commission, transmitting, pursuant to law, the annual report of the Inspector General for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2362. A communication from the Executive Director of the National Capital Planning Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC–2363. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2364. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, the report on the budget summary for International Narcotics Control Program for fiscal year 1996; to the Committee on the Judiciary.

EC–2365. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Appellate Procedure; to the Committee on the Judiciary.

EC–2366. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Civil Procedure; to the Committee on the Judiciary.

EC–2367. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

EC–2369. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2370. A communication from the President of the Foundation of the Federal Bar Association, transmitting, pursuant to law, the report of the audit for fiscal year 1995; to the Committee on the Judiciary.

EC–2371. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report on the Montgomery GI Bill for fiscal year 1995; to the Committee on Veterans' Affairs.

EC–2372. A communication from the Chief of the Drug and Chemical Evaluation Section of the Drug Enforcement Administration, Department of Justice, transmitting,

pursuant to law, a notice of final rule regarding Manufacturer Reporting; to the Committee on the Judiciary.

EC–2373. A communication from the Director of Communications and Legislative Affairs of the U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Labor and Human Resources.

EC–2374. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report under the Low-Income Home Energy Assistance Act; to the Committee on Labor and Human Resources.

EC–2375. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Developmental Disabilities Assistance and Bill of Rights Act for fiscal year 1994; to the Committee on Labor and Human Resources.

EC–2376. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on the notice of final funding priorities for Jacob K. Javits Gifted and Talented Students Education Program; to the Committee on Labor and Human Resources.

EC–2377. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on a notice relative to the Challenge Grants for Technology in Education; to the Committee on Labor and Human Resources.

EC–2378. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on the notice of final funding priorities for Fund for the Improvement of Education Program; to the Committee on Labor and Human Resources.

EC–2379. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on a notice relative to the Consortium Incentive Grants for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–2380. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on a notice relative to the Vending Facility Program for the Blind on Federal and Other Property; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. SPECTER, from the Select Committee on Intelligence, without amendment:

S. 1718. An original bill to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability system, and for other purposes (Rept. No. 104–258).

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was reported on April 30, 1996:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 103–21 Treaty Convention on Conventional Weapons.

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein), That (a) the Senate advise and consent to the ratification of 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, including the following annexes and associated documents, all such documents being integral parts of and collectively referred to in this resolution as the ''Convention'' (contained in Treaty Document 103–21), subject to the conditions of subsection (b) and the declarations of subsection (c):

(1) The Annex on Chemicals.

(2) The Annex on Implementation and Verification (also known as the ''Verification Annex'').

(3) The Annex on the Protection of Confidential Information (also known as the ''Confidentiality Annex'').

(4) The Resolution Establishing the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons.

(5) The Text on the Establishment of a Preparatory Commission.

(b) CONDITIONS.—The advice and consent of the Senate to the ratification of the Convention is subject to the following conditions, which shall be binding upon the President:

(1) AMENDMENT CONFERENCES.—The United States will be present and participate fully in all Amendment Conferences and will cast its vote, either affirmatively or negatively, on all proposed amendments made at such conferences, to ensure that—

(A) the United States has an opportunity to consider any and all amendments in accordance with its Constitutional processes; and

(B) no amendment to the Convention enters into force without the approval of the United States.

(2) PRESIDENTIAL CERTIFICATION ON DATA DECLARATIONS.—(A) Not later than 10 days after the Convention enters into force, or not later than 10 days after the deposit of the Russian instrument of ratification of the Convention, whichever is later, the President shall either—

(i) certify to the Senate that Russia has complied satisfactorily with the data declaration requirements of the Wyoming Memorandum of Understanding; or

(ii) submit to the Senate a report on apparent discrepancies in Russia's data under the Wyoming Memorandum of Understanding and the results of any bilateral discussions regarding those discrepancies.

(B) For purposes of this paragraph, the term ''Wyoming Memorandum of Understanding'' means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989,

(3) PRESIDENTIAL CERTIFICATION ON THE BILATERAL DESTRUCTION AGREEMENT.—Before the deposit of the United States instrument of ratification of the Convention, the President shall certify in writing to the Senate that—

(A) a United States-Russian agreement on implementation of the Bilateral Destruction Agreement has been or will shortly be concluded, and that the verification procedures under that agreement will meet or exceed those mandated by the Convention, or

(B) the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons will be prepared, when the Convention enters into force, to submit a plan for meeting the Organization's full monitoring responsibilities that will include United States and Russian facilities as well as those of other parties to the Convention.

(4) NONCOMPLIANCE.—If the President determines that a party to the Convention is in violation of the Convention and that the actions of such party threaten the national security interests of the United States, the President shall—

(A) consult with, and promptly submit a report to, the Senate detailing the effect of such actions on the Convention;

(B) seek on an urgent basis a meeting at the highest diplomatic level with the Organization for the Prohibition of Chemical Weapons (in this resolution referred to as the ''Organization'') and the noncompliant party with the objective of bringing the noncompliant party into compliance;

(C) in the event that a party to the Convention is determined not to be in compliance with the Convention, request consultations with the Organization on whether to—

(i) restrict or suspend the noncompliant party's rights and privileges under the Convention until the party complies with its obligations;

(ii) recommend collective measures in conformity with international law; or

(iii) bring the issue to the attention of the United Nations General Assembly and Security Council; and

(D) in the event that noncompliance continues, determine whether or not continued adherence to the Convention is in the national security interests of the United States and so inform the Senate.

(5) FINANCING IMPLEMENTATION.—The United States understands that in order to ensure the commitment of Russia to destroy its chemical stockpiles, in the event that Russia ratifies the Convention, Russia must maintain a substantial stake in financing the implementation of the Convention. The costs of implementing the Convention should be borne by all parties to the Convention. The deposit of the United States instrument of ratification of the Convention shall not be contingent upon the United States providing financial guarantees to pay for implementation of commitments by Russia or any other party to the Convention.

(6) IMPLEMENTATION ARRANGEMENTS.—If the Convention does not enter into force or if the Convention comes into force with the United States having ratified the Convention but with Russia having taken no action to ratify or accede to the Convention, then the President shall, if he plans to implement reductions of United States chemical forces as a matter of national policy or in a manner consistent with the Convention—

(A) consult with the Senate regarding the effect of such reductions on the national security of the United States; and

(B) take no action to reduce the United States chemical stockpile at a pace faster than that currently planned and consistent with the Convention until the President submits to the Senate his determination that such reductions are in the national security interests of the United States.

(7) PRESIDENTIAL CERTIFICATION AND REPORT ON NATIONAL TECHNICAL MEANS.—Not later than 90 days after the deposit of the United States instrument of ratification of the Convention, the President shall certify that the United States National Technical Means and the provisions of the Convention on verification of compliance, when viewed together, are sufficient to ensure effective verification of compliance with the provisions of the Convention. This certification shall be accompanied by a report, which may

be supplemented by a classified annex, indicating how the United States National Technical Means, including collection, processing and analytic resources, will be marshalled, together with the Convention's verification provisions, to ensure effective verification of compliance. Such certification and report shall be submitted to the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

(c) DECLARATIONS.—The advice and consent of the Senate to ratification of the Convention is subject to the following declarations, which express the intent of the Senate:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the Resolution of Ratification with respect to the INF Treaty, approved by the Senate on May 27, 1988. For purposes of this declaration, the term ''INF Treaty'' refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, approved by the Senate on May 27, 1988.

(2) FURTHER ARMS REDUCTION OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power set forth in Article II, Section 2, Clause 2 of the Constitution.

(3) RETALIATORY POLICY.—The Senate declares that the United States should strongly reiterate its retaliatory policy that the use of chemical weapons against United States military forces or civilians would result in an overwhelming and devastating response, which may include the whole range of available weaponry.

(4) CHEMICAL DEFENSE PROGRAM.—The Senate declares that ratification of the Convention will not obviate the need for a robust, adequately funded chemical defense program, together with improved national intelligence capabilities in the nonproliferation area, maintenance of an effective deterrent through capable conventional forces, trade-enabling export controls, and other capabilities. In giving its advice and consent to ratification of the Convention, the Senate does so with full appreciation that the entry into force of the Convention enhances the responsibility of the Senate to ensure that the United States continues an effective and adequately funded chemical defense program. The Senate further declares that the United States should continue to develop theater missile defense to intercept ballistic missiles that might carry chemical weapons and should enhance defenses of the United States Armed Forces against the use of chemical weapons in the field.

(5) ENFORCEMENT POLICY.—The Senate urges the President to pursue compliance questions under the Convention vigorously and to seek international sanctions if a party to the Convention does not comply with the Convention, including the ''obligation to make every reasonable effort to demonstrate its compliance with this Convention'', pursuant to paragraph 11 of Article IX. It should not be necessary to prove the noncompliance of a party to the Convention before the United States raises issues bilaterally or in appropriate international fora and takes appropriate actions.

(6) APPROVAL OF INSPECTORS.—The Senate expects that the United States will exercise its right to reject a proposed inspector or inspection assistant when the facts indicate that this person is likely to seek information to which the inspection team is not entitled or to mishandle information that the team obtains.

(7) ASSISTANCE TO RUSSIA.—The Senate declares that, if the United States provides limited financial assistance for the destruction of Russian chemical weapons, the United States should, in exchange for such assistance, require Russia to destroy its chemical weapons stocks at a proportional rate to the destruction of United States chemical weapons stocks, and to take the action before the Convention deadline. In addition, the Senate urges the President to request Russia to allow inspections of former military facilities that have been converted to commercial production, given the possibility that these plants could one day be reconverted to military use, and that any United States assistance for the destruction of the Russian chemical stockpile be apportioned according to Russia's openness to these broad based inspections.

(8) EXPANDING CHEMICAL ARSENALS IN COUNTRIES NOT PARTY TO THE CHEMICAL WEAPONS CONVENTION.—It is the sense of the Senate that, if during the time the Convention remains in force the President determines that there has been an expansion of the chemical weapons arsenals of any country not a party to the Convention so as to jeopardize the supreme national interests of the United States, then the President should consult on an urgent basis with the Senate to determine whether adherence to the Convention remains in the national interest of the United States.

(9) COMPLIANCE.—Concerned by the clear pattern of Soviet noncompliance with arms control agreements and continued cases of noncompliance by Russia, the Senate declares the following:

(A) The Convention is in the interest of the United States only if the both the United States and Russia, among others, are in strict compliance with the terms of the Convention as submitted to the Senate for its advice and consent to ratification, such compliance being measured by performance and not by efforts, intentions, or commitments to comply.

(B)(i) Given its concern about compliance issues, the Senate expects the President to offer regular briefings, but not less than several times a year, to the Committees on Foreign Relations and Armed Services and the Select Committee on Intelligence of the Senate on compliance issues related to the Convention. Such briefings shall include a description of all United States efforts in diplomatic channels and bilateral as well as the multilateral Organization fora to resolve the compliance issues and shall include, but would not necessarily be limited to a description of—

(I) any compliance issues, other than those requiring challenge inspections, that the United States plans to raise with the Organization; and

(II) any compliance issues raised at the Organization, within 30 days.

(ii) Any Presidential determination that Russia is in noncompliance with the Convention shall be transmitted to the committees specified in clause (i) within 30 days of such a determination, together with a written report, including an unclassified summary, explaining why it is in the national security interests of the United States to continue as a party to the Convention.

(10) SUBMISSION OF FUTURE AGREEMENTS AS TREATIES.—The Senate declares that after the Senate gives its advice and consent to ratification of the Convention, any agreement or understanding which in any material way modifies, amends, or reinterprets United States and Russian obligations, or those of any other country, under the Convention, including the time frame for implementation of the Convention, should be submitted to the Senate for its advice and consent to ratification.

(11) RIOT CONTROL AGENTS.—(A) The Senate, recognizing that the Convention's prohibition on the use of riot control agents as a ''method of warfare'' precludes the use of such agents against combatants, including use for humanitarian purposes where combatants and noncombatants intermingled, urges the President—

(i) to give high priority to continuing efforts to develop effective nonchemical, nonlethal alternatives to riot control agents for use in situations where combatants and noncombatants are intermingled; and

(ii) to ensure that the United States actively participates with other parties to the Convention in any reassessment of the appropriateness of the prohibition as it might apply to such situations as the rescue of downed air crews and passengers and escaping prisoners or in situations in which civilians are being used to mask or screen attacks.

(B) For purposes of this paragraph, the term ''riot control agents'' is used within the meaning of Article II(4) of the Convention.

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. AKAKA:

S. 1717. A bill for the relief of Dona H. Shibata; to the Committee on Armed Services.

By Mr. SPECTER:

S. 1718. An original bill to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself, Mr. DOLE, Mr. MCCONNELL, Mr. NICKLES, Mr. MURKOWSKI, and Mr. HATCH):

S. Res. 253. A resolution urging the detention and extradition to the United States by the appropriate foreign government of Mohammed Abbas for the murder of Leon Klinghoffer; considered and agreed to.

ADDITIONAL COSPONSORS

S. 386

At the request of Mr. MCCONNELL, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for the tax-free treatment of education savings accounts established through certain State programs, and for other purposes.

S. 491

At the request of Mr. BREAUX, the name of the Senator from Vermont

[Mr. LEAHY] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 1035

At the request of Mr. DASCHLE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1035, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 1150

At the request of Mr. SANTORUM, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall Plan and George Catlett Marshall.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1397

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1505

At the request of Mr. LOTT, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1623

At the request of Mr. WARNER, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1623, a bill to establish a National Tourism Board and a National Tourism Organization, and for other purposes.

S. 1624

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1624, a bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

S. 1628

At the request of Mr. BROWN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1628, a bill to amend title 17, United States Code, relating to the copyright interests of certain musical performances, and for other purposes.

AMENDMENT NO. 3738

At the request of Mr. ABRAHAM, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of amendment No. 3738 intended to be 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.

AMENDMENT NO. 3760

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 3760 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.

AMENDMENT NO. 3865

At the request of Mr. REID, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of amendment No. 3865 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 253—RELATIVE TO THE MURDER OF LEON KLINGHOFFER

Mr. D'AMATO (for himself, Mr. DOLE, Mr. MCCONNELL, Mr. NICKLES, Mr. MURKOWSKI, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 253

Whereas, Mohammed Abbas, alias Abu Abbas, was convicted by a Genoan Court in June 1986 and sentenced to life in prison, in absentia, for ''kidnapping for terrorist ends that caused the killing of a person' for his role in the death of an American citizen, Leon Klinghoffer;

Whereas, a report from the Italian magistrate who tried the case against Abbas stated that the evidence was ''multiple, unequivocal, and overwhelming'' and that his actions in training and financing for this operation, and in choosing the target, as well as in planning the escape, made Abbas guilty of the murder;

Whereas, a warrant for Abbas' arrest was unsealed in October 1985 charging him with hijacking, and a bounty of $250,000 was offered for his arrest;

Whereas, the Justice Department felt that it did not have the evidence to convict him, and citing the conviction, albeit in absentia by the Italian authorities, canceled the warrant for his arrest in January 1988;

Whereas, at an April 1996 meeting of the Palestine National Council in Gaza, Abbas described the killing as ''a mistake'' and that Mr. Klinghoffer was killed because he ''had started to incite the passengers against [the kidnappers]'';

Now, Therefore, be it *Resolved,* That it is the sense of the Senate that the Attorney General should seek, from the appropriate foreign government, the detention and extradition to the United States of Mohammed Abbas (also known as Abu Abbas) for the murder of Leon Klinghoffer in October 1985 during the hijacking of the vessel *Achille Lauro.*

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

FEINSTEIN AMENDMENT NO. 3867

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her 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:

AMENDMENT NO. 3867

Beginning on page 99, strike line 10 and all that follows through line 13.

FEINSTEIN (AND BOXER) AMENDMENT NO. 3868

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3868

Beginning on page 10, strike line 18 and all that follows through line 13 on page 11 and insert the following:

SEC. 108 CONSTRUCTION OF PHYSICAL BARRIERS, DEPLOYMENT OF TECHNOLOGY, AND IMPROVEMENTS TO ROADS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

There are authorized to be appropriated funds not to exceed $12,000,000 for the construction, expansion, improvement, or deployment of physical barriers (including multiple fencing and bollard style concrete columns as appropriate), all-weather roads, low light television systems, lighting, sensors, and other technologies along the international land border between the United States and Mexico south of San Diego, California for the purpose of detecting and deterring unlawful entry across the border. Amounts appropriated under this section are authorized to remain available until expended.

FEINSTEIN AMENDMENTS NOS. 3869–3870

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3869

On page 198, between lines 4 and 5, insert the following:

(g) SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER REQUIRED TO BE PROVIDED.—(1) Each affidavit of support shall include the social security account number of the sponsor.

(2) The Attorney General, in consultation with the Secretary of State, shall develop an automated system to maintain the data of social security account numbers provided under paragraph (1).

(3) The Attorney General shall submit an annual report to the Congress setting forth for the most recent fiscal year for which data are available—

(A) the number of sponsors under this section and the number of sponsors in compliance with the financial obligations of this section; and

(B) a comparison of the data set forth under subparagraph (A) with similar data for the preceding fiscal year.

AMENDMENT NO. 3870

Beginning on page 193, strike line 1 and all that follows through line 4 on page 198 and insert the following:

(3) in which the sponsor agrees to submit to the jurisdiction of any appropriate 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 appropriate 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 appropriate 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 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 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 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.

(4) APPROPRIATE COURT.—The term ''appropriate court'' means—

(A) a Federal court, in the case of an action for reimbursement of benefits provided or funded, in whole or in part, by the Federal Government; and

(B) a State court, in the case of an action for reimbursement of benefits provided under a State or local program of assistance.

SIMPSON AMENDMENT NO. 3871

Mr. SIMPSON proposed an amendment to amendment No. 3743 proposed by him to the bill S. 1664, supra; as follows:

Section 204(a) is amended to read as follows:

(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 Federal program of assistance, or any program of assistance funded in whole or in part by the Federal Government, for which eligibility for benefits is based on need, 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.

WELLSTONE AMENDMENT NO. 3872

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following:

SEC. . TREATMENT OF CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

(a) WAIVER OF ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.—The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a) shall not apply to the naturalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

(b) NATURALIZATION THROUGH SERVICE IN A SPECIAL GUERRILLA UNIT IN LAOS.—

(1) IN GENERAL.—The first sentence of subsection (a) and subsection (b) (other than paragraph (3)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special

guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who has served honorably in an active-duty status in the military forces of the United States during the period of the Vietnam hostilities.

(2) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in paragraph (1) through—

(A) review of refugee processing documentation for the alien,

(B) the affidavit of the alien's superior officer,

(C) original documents,

(D) two affidavits from persons who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(E) other appropriate proof.

(3) CONSTRUCTION.—The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.

SNOWE AMENDMENTS NOS. 3873–3874

(Ordered to lie on the table.)

Ms. SNOWE submitted two amendments intended to be proposed by her to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3873

At the appropriate place, insert the following:

SEC. . REPORT ON ALLEGATIONS OF HARASSMENT BY CANADIAN CUSTOMS AGENTS.

(a) STUDY AND REVIEW.—

(1) Not later than 30 days after the enactment of this Act, the Commissioner of the United States Customs Service shall initiate a study of allegations of harassment by Canadian Customs agents for the purpose of deterring cross-border commercial activity along the United States-New Brunswick border. Such study shall include a review of the possible connection between any incidents of harassment with the discriminatory imposition of the New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, and with any other activities taken by the Canadian provincial and federal governments to deter cross-border commercial activities.

(2) In conducting the study in subparagraph (1), the Commissioner shall consult with representatives of the State of Maine, local governments, local businesses, and any other knowledgeable persons that the Commissioner deems important to the completion of the study.

(b) REPORT.—Not later than 120 days after enactment of this Act, the Commissioner of the United States Customs Service shall submit to Congress a report of the study and review detailed in subsection (a). The report shall also include recommendations for steps that the U.S. government can take to help end harassment by Canadian Customs agents found to have occurred.

AMENDMENT NO. 3874

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS ON THE DISCRIMINATORY APPLICATION OF THE NEW BRUNSWICK PROVINCIAL SALES TAX.

(a) FINDINGS.—The Congress finds that—

(1) in July 1993, Canadian Customs officers began collecting an 11% New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, an action that has caused severe economic harm to U.S. businesses located in proximity to the border with New Brunswick;

(2) this impediment to cross-border trade compounds the damage already done from the Canadian government's imposition of a 7% tax on all goods bought by Canadians in the United States;

(3) collection of the New Brunswick Provincial Sales Tax on goods purchased outside of New Brunswick is collected only along the U.S.-Canadian border—not along New Brunswick's borders with other Canadian provinces—thus being administered by Canadian authorities in a manner uniquely discriminatory to Canadians shopping in the United States;

(4) in February 1994, the U.S. Trade Representative (USTR) publicly stated an attention to seek redress from the discriminatory application of the PST under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement (NAFTA), but the United States Government has still not made such a claim under NAFTA procedures; and

(5) initially, the USTR argued that filing a PST claim was delayed only because the dispute mechanism under NAFTA had not yet been finalized, but more than a year after such mechanism has been put in place, the PST claim has still not been put forward by the USTR.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Provincial Sales Tax levied by the Canadian Province of New Brunswick on Canadian citizens of that province who purchase goods in the United States violates the North American Free Trade Agreement in its discriminatory application to cross-border trade with the United States and damages good relations between the United States and Canada; and

(2) the United States Trade Representative should move forward without further delay in seeking redress under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement for the discriminatory application of the New Brunswick Provincial Sales Tax on U.S.-Canada cross-border trade.

GRAHAM AMENDMENTS NOS. 3875–3880

(Ordered to lie on the table.)

Mr. GRAHAM submitted six amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3875

Beginning on page 198, strike line 5 and all that follows through line 5 on page 202.

AMENDMENT NO. 3876

On page 177 in the matter proposed to be inserted, beginning on line 9 strike all that follows through line 4 on page 178.

AMENDMENT NO. 3877

Beginning on page 188, strike line 11 and all that follows through line 2 on page 192.

AMENDMENT NO. 3878

Beginning on page 192, strike line 3 and all that follows through line 4 on page 198.

AMENDMENT NO. 3879

Beginning on page 177, line 9 strike all through page 211 line 9 and insert the following.

SUBTITLE C—EFFECTIVE DATES

SEC. 197. 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 citizens 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. 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 as defined in section 201(f)(3) 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 *change* 201(f)(3) 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 201(f)(3) 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 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 terms.

In the case of an individual who is an 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) has income tax liability for the tax year of which the period was part.

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) in 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:

''Sec. 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.

AMENDMENT NO. 3880

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following new section:

SEC. . UNFUNDED FEDERAL INTERGOVERNMENTAL MANDATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the beginning of fiscal year 1997, and annually thereafter, the determinations described in subsection (b) shall be made, and if any such determination is affirmative, the requirements imposed on State and local governments under this Act relating to the affirmative determination shall be suspended.

(b) DETERMINATION DESCRIBED.—A determination described in this subsection means one of the following:

(1) A determination by the responsible Federal agency or the responsible State or local administering agency regarding whether the costs of administering a requirement imposed on State and local government under this Act exceeds the estimated net savings in benefit expenditures.

(2) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether Federal funding is insufficient to fully fund the costs imposed by a requirement imposed on State and local governments under this Act.

(3) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether application of the requirement on a State or local government would significantly delay or deny services to otherwise eligible individuals in a manner that would hinder the protection of life, safety, or public health.

GRAHAM (AND OTHERS) AMENDMENT NO. 3881

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. DOLE, Mr. MACK, Mr. BRADLEY, Mr. HELMS, and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

Beginning on page 177, strike line 13 and all that follows through line 4 on page 178, inserting the following:

(b) Northwithstanding any other provision of this Act, the repeal of Public Law 89–732 made by this Act shall become effective only upon a determination by the President under section 203(c)(3) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 that a democratically elected government in Cuba is in power.

GRAHAM AMENDMENT NO. 3882

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

Strike on page 211, line 1 through line 9, and insert:

''(C) The Secretary shall conduct an assessment of immigration trends, current funding practices, and needs for assistance. Particular attention should be paid to the funds toward the counties impacted by the arrival of Cuban and Haitian individuals to determine whether there is a continued need for assistance to such counties. If the Secretary determines, after the assessment of subparagraph (C), that no compelling need exists in the counties impacted by the arrival of Cuban and Haitian entrants, all grants, except that for the Targeted Assistance Ten Percent Discretionary Program, 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.''.

GRAHAM (AND SPECTER) AMENDMENT NO. 3883

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. SPECTER) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

On page 198, beginning on line 11, strike all through page 201, line 4, and insert the following:

for benefits, 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 for purposes of the following programs:

(1) Supplementary security income under title XVI of the Social Security Act;

(2) Aid to Families with Dependent Children under title IV of the Social Security Act;

(3) Food stamps under the Food Stamp Act of 1977;

(4) Section 8 low-income housing assistance under the United States Housing Act of 1937;

(5) Low-rent public housing under the United States Housing Act of 1937;

(6) Section 236 interest reduction payments under the National Housing Act;

(7) Home-owner assistance payments under the National Housing Act;

(8) Low income rent supplements under the Housing and Urban Development Act of 1965;

(9) Rural housing loans under the Housing Act of 1949;

(10) Rural rental housing loans under the Housing Act of 1949;

(11) Rural rental assistance under the Housing Act of 1949;

(12) Rural housing repair loans and grants under the Housing Act of 1949;

(13) Farm labor housing loans and grants under the Housing Act of 1949;

(14) Rural housing preservation grants under the Housing Act of 1949;

(15) Rural self-help; technical assistance grants under the Housing Act of 1949; and

(16) Site loans under the Housing Act of 1949;

(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) EXCEPTION FOR INDIGENCE.—

(1) IN GENERAL.—If a determination described in paragraph (2) 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—

(A) beginning on the date of such determination and ending 12 months after such date, or

(B) 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).

(2) DETERMINATION DESCRIBED.—A determination described in this paragraph 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 or shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

GRAHAM AMENDMENTS NOS. 3884–3893

(Ordered to lie on the table.)

Mr. GRAHAM submitted 10 amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3884

On page 190, beginning on line 9, strike all through page 201, line 4, and insert the following:

(ii) The food stamp program under the Food Stamp Act of 1977.

(iii) The supplemental security income program under title XVI of the Social Security Act.

(iv) Any State general assistance program.

(v) 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) and the exceptions listed in section 204(d) 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 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 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 $2000, 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 $2000 or more than $5000.

(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 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 or 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 received assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any services or assistance described in section 201(a)(1)(A)(vii); and

(B) in the case of an eligible alien (as described in section 201(f)(1))—

(i) any care or services provided to an alien for an emergency medical condition, as defined in section 1903(v)(3) of the Social Security Act; and

(ii) any public health assistance for immunizations and immunizable diseases, and for the testing and treatment of communicable diseases.

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act (other than services for which an exception is provided under paragraph (3)(B))—

(i) the requirements of subsection (a) shall not apply to an alien lawfully admitted to the United States before the date of the enactment of this Act; and

(ii) for an alien who has entered the United States on or after the date of enactment of this Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3885

On page 201, strike lines 1 through 4 and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any services or assistance described in section 201(a)(1)(A)(vii); and

(B) in the case of an eligible alien (as described in section 201(f)(1))—

(i) any care or services provided to an alien for an emergency medical condition, as defined in section 1903(v)(3) of the Social Security Act; and

(ii) any public health assistance for immunizations and immunizable diseases, and for the testing and treatment of communicable diseases.

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act (other than services for which an exception is provided under paragraph (3)(B))—

(i) the requirements of subsection (a) shall not apply to an alien lawfully admitted to the United States before the date of the enactment of this Act; and

(ii) for an alien who has entered the United States on or after the date of enactment of this Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3886

On page 190, strike line 9 through line 25 and insert the following:

(ii) The food stamp program under the Food Stamp Act of 1977.

(iii) The supplemental security income program under title XVI of the Social Security Act.

(iv) Any State general assistance program.

(v) 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) and the exceptions listed in section 204(d) of the Immigration Reform Act of 1996.

AMENDMENT NO. 3887

On page 186 line 24 through page 188 line 23, strike everything and insert the following after the word ''been.''

withheld under section 243 (h) of such Act,

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year, or

(F) an alien who is a Cuban or Haitian entrant (within the meaning of section 501(e) of the Refugees Education Assistance Act of 1980).

(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 an 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. 124(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, if the alien is a Cuban or Haitian entrant (within the meaning of section 501(e) of the Refugee Education Assistance Act of 1980) or if the cause of the alien's becoming a public charge—

AMENDMENT NO. 3888

On page 181, beginning on line 19, strike all through page 182, line 2.

AMENDMENT NO. 3889

On page 201, between lines 4 and 5, insert the following:

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—The requirements of subsection (a) shall not apply in the case of any service provided under title XIX of the Social Security Act to an alien lawfully admitted to the United States before the date of the enactment of this Act.

AMENDMENT NO. 3890

On page 201, line 5, insert the following:

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3891

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); or

(B) in the case of an eligible alien (as defined in section 201(f)(1))—

(i) any emergency medical service under title XIX of the Social Security Act; or

(ii) any public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of serious communicable disease, for testing and treatment of such diseases.

AMENDMENT NO. 3892

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); and

(B) in patient hospital services provided by a disproportionate share hospital for which an adjustment in payment to a State under the medicaid program is made in accordance with section 1923 of the Social Security Act.

AMENDMENT NO. 3893

On page 301, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) medicaid services provided under title XIX of the Social Security Act;

(C) public health assistance for immunizations and testing and treatment services to prevent the spread of communicable diseases.

(D) material and child health services block grants under the title V of the Social Security Act:

(E) services and assistance provided under titles III, VII, and VIII of the Public Health Service Act;

(F) preventive health and health services block grants under title XIX of the Public Health Service Act;

(G) migrant health center grants under the Public Health Service Act; and

(H) community health center grants under the Public Health Service Act.

REID AMENDMENTS NOS. 3894–3895

(Ordered to lie on the table.)

Mr. REID submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3894

At the appropriate place insert the following new section:

SEC. . PASSPORTS ISSUED FOR CHILDREN UNDER 16.

(a) IN GENERAL.—Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213) is amended—

(1) by striking ''Before'' and inserting ''(a) IN GENERAL.—Before'', and

(2) by adding at the end the following new subsection:

''(b) PASSPORTS ISSUED FOR CHILDREN UNDER 16.—

''(1) SIGNATURES REQUIRED.—In the case of a child under the age of 16, the written application required as a prerequisite to the issuance of a passport for such child shall be signed by—

''(A) both parents of the child if the child lives with both parents;

''(B) the parent of the child having primary custody of the child if the child does not live with both parents; or

''(C) the surviving parent (or legal guardian) of the child, if 1 or both parents are deceased.

''(2) WAIVER.—The Secretary of State may waive the requirements of paragraph (1)(A) if the Secretary determines that circumstances do not permit obtaining the signatures of both parents.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for passports filed on or after the date of the enactment of this Act.

AMENDMENT NO. 3895

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

SEC. . FEMALE GENITAL MUTILATION.

(a) CONGRESSIONAL FINDINGS.—The 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;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State of local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the Fourteenth Amendment, as well as under the treaty clause of the Constitution to enact such legislation.

(b) BASIS OF ASYLUM.—(1) Section 101(a)(42) (8 U.S.C. 1101(a)(42)) is amended—

(A) by inserting after ''political opinion' the first place it appears: ''or because the person has been threatened with an act of female genital mutilation'';

(B) by inserting after ''political opinion'' the second place it appears the following: '', or who has been threatened with an act of female genital mutilation'';

(C) by inserting after ''political opinion'' the third place it appears the following: ''or who ordered, threatened, or participated in the performance of female genital mutilation''; and

(D) by adding at the end the following new sentence: ''The term 'female genital mutilation' means an action described in section 116(a) of title 18, United States Code.''.

(2) Section 243(h)(1) (8 U.S.C. 1253(h)(1)) is amended by inserting after ''political opinion'' the following: ''or would be threatened with an act of female genital mutilation''.

(c) CRIMINAL CONDUCT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 116. Female genital mutilation

''(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) A surgical operation is not a violation of this section if the operation is—

''(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

''(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

''(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

''(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

''(1) that person has undergone female circumcision, excision, or infibulation; or

''(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.''.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''116. Female genital mutilation.''.

(d) EFFECTIVE DATE.—Subsection (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

BRADLEY AMENDMENTS NOS. 3896–3898

(Ordered to lie on the table.)

Mr. BRADLEY submitted three amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3896

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. ENFORCEMENT OF EMPLOYER SANCTIONS.

(a) ESTABLISHMENT OF NEW OFFICE.—There shall be in the Immigration and Naturalization Service of the Department of Justice an Office for the Enforcement of Employer Sanctions (in this section referred to as the ''Office'').

(b) FUNCTIONS.—The functions of the Office established under subsection (a) shall be—

(1) to investigate and prosecute violations of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)); and

(2) to educate employers on the requirements of the law and in other ways as necessary to prevent employment discrimination.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $100,000,000 to carry out the functions of the Office established under subsection (a).

AMENDMENT NO. 3897

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. INVESTIGATORS OF UNLAWFUL EMPLOYMENT ACTIVITIES.

Of the number of investigators authorized by section 102(a) of this Act, not less than 150 full-time active-duty investigators in each such fiscal year shall perform only the functions of investigating and prosecuting violations of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)).

AMENDMENT NO. 3898

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. OFFICE FOR EMPLOYER SANCTIONS.

(a) ESTABLISHMENT; FUNCTIONS.—There is established within the Department of Justice an Office for Employer Sanctions 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;

(2) assisting employers in complying with those laws; and

(3) coordinating other functions related to the enforcement under this Act of employer sanctions.

(b) COMPOSITION.—The members of the Office 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 Office shall report annually to the Attorney General on its operations.

GRAHAM AMENDMENTS NOS. 3899–3902

(Ordered to lie on the table.)

Mr. GRAHAM submitted four amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3899

Beginning on page 210, strike line 22 and all that follows through line 9 on page 211.

AMENDMENT NO. 3900

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—the requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); and

(B) medicare cost-sharing provided to a qualified medicare beneficiary (as such terms are defined under section 1905(p) of the Social Security Act).

AMENDMENT NO. 3901

On page 180, lines 13 and 14, strike ''serious''.

AMENDMENT NO. 3902

Strike page 180, line 15, through 181 line 9, and insert:

treatment for such diseases,

(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; and

(viii) in the case of nonimmigrant migrant workers and their dependents, Head Start programs under the Head Start Act (42 U.S.C. 9831 et. seq.) and other educational, housing and health assistance being provided to such class of aliens as of the date of enactment of this Act, or

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GRAMM AMENDMENTS NOS. 3903–3904

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3903

At the end, insert the following:

SEC. . DEVELOPMENT OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD.

(a) DEVELOPMENT.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security (hereafter in this section referred to as the ''Commissioner'') shall, in accordance with this section, develop a counterfeit-resistant social security card. Such card shall—

(1) be made of a durable, tamper-resistant material such as plastic or polyester,

(2) employ technologies that provide security features, such as magnetic stripes, holograms, and integrated circuits, and

(3) be developed so as to provide individuals with reliable proof of citizenship or legal resident alien status.

(b) PROCEDURES FOR ISSUANCE.—The Commissioner shall make a social security card of the type described in subsection (a) available, at cost, to any individual requesting such a card to replace a card previously issued to such individual.

(c) COUNTERFEIT-RESISTANT CARD VOLUNTARY FOR INDIVIDUALS.—The Commissioner may not require any individual to obtain a social security card of the type described in subsection (a).

AMENDMENT NO. 3904

At the end, insert the following:

''SEC. —. FINDINGS RELATED TO THE ROLE OF INTERIOR BORDER PATROL STATIONS.

The Congress makes the following findings:

(1) The Immigration and Naturalization Service has drafted a preliminary plan for the removal of 200 Border Patrol agents from interior stations and the transfer of these agents to the Southwest border.

(2) The INS has stated that it intends to carry out this transfer without disrupting service and support to the communities in which interior stations are located.

(3) Briefings conducted by INS personnel in communities with interior Border Patrol stations have revealed that Border Patrol agents at interior stations, particularly those located in Southwest border States, perform valuable law enforcement functions that cannot be performed by other INS personnel.

(4) The transfer of 200 Border Patrol agents from interior stations to the Southwest border, which would not increase the total number of law enforcement personnel at INS, would cost the federal government approximately $12,000,000.

(5) The cost to the federal government of hiring new criminal investigators and other personnel for interior stations is likely to be greater than the cost of retaining Border Patrol agents at interior stations.

(6) The first recommendation of the report by the National Task Force on Immigration was to increase the number of Border Patrol agents at the interior stations.

(7) Therefore, it is the sense of the Congress that—

(A) the U.S. Border Patrol plays a key role in apprehending and deporting undocumented aliens throughout the United States;

(B) interior Border Patrol stations play a unique and critical role in the agency's enforcement mission and serve as an invaluable second line of defense in controlling illegal immigration and its penetration to the interior of our country;

(C) a redeployment of Border Patrol agents at interior stations would not be cost-effective and is unnecessary in view of plans to nearly double the number of Border Patrol agents over the next five years; and

(D) the INS should hire, train and assign new staff based on a strong Border Patrol presence both on the Southwest border and in interior stations that support border enforcement.

LEAHY (AND OTHERS) AMENDMENT NO. 3905

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DEWINE, and Mr. HATFIELD) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the end of the bill, add the following:

TITLE III—MISCELLANOUS PROVISIONS

SEC. 301. (a) Notwithstanding any other provision of this Act, sections 131, 132, 141, 193 and 198(b) shall have no force or effect.

(b) Section 106(f) of the Immigration and Nationality Act (8 U.S.C. 1105(f) is repealed.

(c) The Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

''SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

''SEC. 236A. (a) IN GENERAL.—

''(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines 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, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a)(6)(C) or (7).

''(2) As used in this section, the term '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 of the inspection and examination of such aliens.

''(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

''(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, 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.

''(5) No alien may be ordered specially excluded under paragraph (1) if—

''(A) such alien is eligible to seek asylum under section 208; and

''(B) the Attorney General determines, in the procedure described in subsection (b), 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.

''(6) A special exclusion order enter in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative 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 have been, and appears to have been, lawfully admitted for permanent residence.

''(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

''(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

''(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exists and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding or deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

''(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from 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.

''(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

''(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

''(5) 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 paragraph (2), the alien may be specially excluded and deported in accordance with this section.

''(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion

order entered in accordance with the provisions of this section.

''(7) As used in this section, the term 'asylum officer' means an immigration officer who—

''(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

''(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

''(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

''(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

''(c) ALIENS FLEEING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General may, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

''(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

''(A) torture or other cruel, inhuman, or degrading treatment or punishment;

''(B) prolonged arbitrary detention without charges or trial;

''(C) abduction, forced disappearance or clandestine detention; or

''(D) systematic persecution; or

''(2) an ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.''.

(d) CONFORMING AMENDMENTS.—(1)(A) Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

''(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer.''.

(B) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227a) is amended—

(i) in the second sentence of paragraph (1), by striking ''Subject to section 235(b)(1), deportation'' and inserting ''Deportation''; and

(ii) in the first sentence of paragraph (2), by striking ''Subject to section (b)(1), if'' and inserting ''If''.

(2)(A) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(i) by striking subsection (e); and

(ii) by amending the section heading to read as follows: ''JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION''.

(B) Section 235(d) (8 U.S.C. 1225d) is repealed.

(C) the item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

''106. Judicial review of orders of deportation and exclusion.''.

(3) Section 241(d) (8 U.S.C. 1251d) is repealed.

LEAHY AMENDMENTS NOS. 3906–3910

(Ordered to lie on the table.)

Mr. LEAHY submitted five amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3906

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301(a). Notwithstanding any other provision of this Act, the Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

''SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

''SEC. 236A. (a) IN GENERAL.—

''(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines 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, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a) (6)(C) or (7).

''(2) As used in this section, the term '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 of the inspection and examination of such aliens.

''(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

''(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, 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.

''(5) No alien may be ordered specially excluded under paragraph (1) if—

''(A) such alien is eligible to seek asylum under section 208; and

''(B) the Attorney General determines, in the procedure described in subsection (b), 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.

''(6) A special exclusion order entered in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative 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 have been, and appears to have been, lawfully admitted for permanent residence.

''(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

''(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

''(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exits and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding of deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

''(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from 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.

''(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

''(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

''(5) 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 paragraph (2), the alien may be specially excluded and deported in accordance with this section.

''(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion order entered in accordance with the provisions of this section.

''(7) As used in this section, the term 'asylum officer' means an immigration officer who—

''(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

''(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

''(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

''(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

''(c) ALIENS FLEEING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General may, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

''(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

''(A) torture or other cruel, inhuman, or degrading treatment or punishment;

''(B) prolonged arbitrary detention without charges or trial;

''(C) abduction, forced disappearance or clandestine detention; or

''(D) systematic persecution; or

''(2) an ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.''.

AMENDMENT NO. 3907

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. Notwithstanding any other provision of this Act, Sections 131, 132, 141, 193 and 198(b) shall have no force or effect.

AMENDMENT NO. 3908

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301(a). Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

''(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer.''.

(2) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227a) is amended—

(i) in the second sentence of paragraph (1), by striking ''Subject to section 234(b)(1), deportation'' and inserting ''Deportation''; and

(ii) in the first sentence of paragraph (2), by striking ''Subject to section (b)(1), if'' and inserting ''If''.

(b)(1) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(i) by striking subsection (e); and

(ii) by amending the section heading to read as follows: ''JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION''.

(2) Section 235(d) (8 U.S.C. 1225d) is repealed.

(3) The item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows: ''106. Judicial review of orders of deportation and exclusion.''.

(c) Section 241(d)(8 U.S.C. 1251d) is repealed.

AMENDMENT NO. 3909

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301(a). Section 106(f) of the Immigration and Nationality Act (8 U.S.C. 1105f) is repealed.

AMENDMENT NO. 3910

At the end of the bill add: The language on page 180, line 6 and all that follows through page 201, line 4, of the Dole amendment is deemed to read:

(iv) assistance or benefits under—

(I) the National School Lunch Act (42 U.S.C. 1751 et seq.),

(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),

(III) section 4 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note),

(IV) the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note),

(V) section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note), and

(VI) the food distribution program on Indian reservations established under section 4(b) of Public Law 88–525 (7 U.S.C. 2013(b)),

(v) 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

(vi) 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 clause (iv) or (vi) of section 201(a)(1)(A).

HUTCHISON (AND KENNEDY) AMENDMENT NO. 3911

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

On page 210, line 1, after ''medical assistance'' insert the following: ''(other than medical assistance for an emergency medical condition as defined in section 1903(v)(3) of the Social Security Act)''.

HUTCHISON AMENDMENT NO. 3912

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following new section:

SEC. .—The Immigration and Naturalization Service shall, when redeploying Border patrol personnel from interior stations, coordinate with and act in conjunction with state and local law enforcement agencies to ensure that such redeployment does not degrade or compromise the law enforcement capabilities and functions currently performed at interior Border Patrol stations.

WELLSTONE AMENDMENTS NOS. 3913–3914

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3913

At the end of the bill, add the following:

TITLE III: MISCELLANEOUS PROVISIONS

SEC. . TREATMENT OF CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

(A) WAIVER OF ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.—The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) shall not apply to the naturalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

(b) NATURALIZATION THROUGH SERVICE IN A SPECIAL GUERRILLA UNIT IN LAOS.—

(1) IN GENERAL.—The first sentence of subsection (a) and subsection (b) (other than paragraph (3)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who has served honorably in an active-duty status in the military forces of the United States during the period of the Vietnam hostilities.

(2) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in paragraph (1) through—

(A) review of refugee processing documentation for the alien,

(B) the affidavit of the alien's superior officer.

(C) original documents,

(D) two affidavits from persons who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(E) other appropriate proof.

(3) CONSTRUCTION.—The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.

AMENDMENT NO. 3914

At the end of the bill, add the following:

SEC. . WAIVER OF APPLICATION FEES FOR ADJUSTMENT OF STATUS OF CERTAIN BATTERED ALIENS.

Notwithstanding any other provision of this Act, section 245(i)(1) remains in effect and is further amended as follows:

(1) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting ''(A)'' immediately after ''(i)(1)''; and

(4) by adding at the end the following:

''(B)(i) The Attorney General may waive the sum specified in subparagraph (A) in the case of an alien who has been battered or subjected to extreme cruelty by a spouse, parent, or member of the spouse or parent's family residing in the same household as the alien (if the spouse or parent consented to or acquiesced to such battery or cruelty) when such waiver would enhance the safety of the alien or the alien's child.

''(ii) An alien shall not be excludable under section 212(a)(4) as a public charge on the grounds that the alien requested or received a waiver under this subparagraph.''.

KERRY AMENDMENT NO. 3915

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

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

SEC. . DEBARMENT OF FEDERAL CONTRACTORS NOT IN COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT EMPLOYMENT PROVISIONS.

(a) POLICY.—It is the policy of the United States that—

(1) the heads of executive agencies in procuring goods and services should not contract with an employer that has not complied with paragraphs (1)(A) and (2) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) (hereafter in this section referred to as the ''INA employment provisions''), which prohibit unlawful employment of aliens; and

(2) the Attorney General should fully and aggressively enforce the antidiscrimination

provisions of the Immigration and Nationality Act.

(b) ENFORCEMENT.—

(1) AUTHORITY.—

(A) IN GENERAL.—Using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General may conduct such investigations as are necessary to determine whether a contractor or an organizational unit of a contractor is not complying with the INA employment provisions.

(B) COMPLAINTS AND HEARINGS.—The Attorney General—

(i) shall receive and may investigate any complaint by an employee of any such entity that alleges noncompliance by such entity with the INA employment provisions; and

(ii) in conducting the investigation, shall hold such hearings as are necessary to determine whether that entity is not in compliance with the INA employment provisions.

(2) ACTIONS ON DETERMINATIONS OF NONCOMPLIANCE.—

(A) ATTORNEY GENERAL.—Whenever the Attorney General determines that a contractor or an organizational unit of a contractor is not in compliance with the INA employment provisions, the Attorney General shall transmit that determination to the head of each executive agency that contracts with the contractor and the heads of other executive agencies that the Attorney General determines it appropriate to notify.

(B) HEAD OF CONTRACTING AGENCY.—Upon receipt of the determination, the head of a contracting executive agency shall consider the contractor or an organizational unit of the contractor for debarment, and shall take such other action as may be appropriate, in accordance with applicable procedures and standards set forth in the Federal Acquisition Regulation.

(C) NONREVIEWABILITY OF DETERMINATION.—The Attorney General's determination is not reviewable in debarment proceedings.

(c) DEBARMENT.—

(1) AUTHORITY.—The head of an executive agency may debar a contractor or an organizational unit of a contractor on the basis of a determination of the Attorney General that is not in compliance with the INA employment provisions.

(2) SCOPE.—The scope of the debarment generally should be limited to those organizational units of a contractor that the Attorney General determines are not in compliance with the INA employment provisions.

(3) PERIOD.—The period of a debarment under this subsection shall be one year, except that the head of the executive agency may extend the debarment for additional periods of one year each if, using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General determines that the organizational unit of the contractor concerned continues not to comply with the INA employment provisions.

(4) LISTING.—The Administrator of General Services shall list each debarred contractor and each debarred organizational unit of a contractor on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs that is maintained by the Administrator. No debarred contractor and no debarred organizational unit of a contractor shall be eligible to participate in any procurement, nor in any nonprocurement activities, of the Federal Government.

(d) REGULATIONS AND ORDERS.—

(1) ATTORNEY GENERAL.—

(A) AUTHORITY.—The Attorney General may prescribe such regulations and issue such orders as the Attorney General considers necessary to carry out the responsibilities of the Attorney General under this section.

(B) CONSULTATION.—In proposing regulations or orders that affect the executive agencies, the Attorney General shall consult with the Secretary of Defense, the Secretary of Labor, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, the Administrator for Federal Procurement Policy, and the heads of any other executive agencies that the Attorney General considers appropriate.

(2) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to the extent necessary to provide for implementation of the debarment responsibility and other related responsibilities assigned to heads of executive agencies under this section.

(e) INTERAGENCY COOPERATION.—The head of each executive agency shall cooperate with, and provide such information and assistance to, the Attorney General as is necessary for the Attorney General to perform the duties of the Attorney General under this section.

(f) DELEGATION.—The Attorney General, the Secretary of Defense, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, and the head of any other executive agency may delegate the performance of any of the functions or duties of that official under this section to any officer or employee of the executive agency under the jurisdiction of that official.

(g) IMPLEMENTATION NOT TO BURDEN PROCUREMENT PROCESS EXCESSIVELY.—This section shall be implemented in a manner that least burdens the procurement process of the Federal Government.

(h) CONSTRUCTION.—

(1) ANTIDISCRIMINATION.—Nothing in this section relieves employers of the obligation to avoid unfair immigration-related employment practices as required by—

(A) the antidiscrimination provisions of section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b), including the provisions of subsection (a)(6) of that section concerning the treatment of certain documentary practices as unfair immigration-related employment practices; and

(B) all other antidiscrimination requirements of applicable law.

(2) CONTRACT TERMS.—This section neither authorizes nor requires any additional certification provision, clause, or requirement to be included in any contract or contract solicitation.

(3) NO NEW RIGHTS AND BENEFITS.—This section may not be construed to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, including any department or agency, officer, or employee of the United States.

(4) JUDICIAL REVIEW.—This section does not preclude judicial review of a final agency decision in accordance with chapter 7 of title 5, United States Code.

(i) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) CONTRACTOR.—The term ''contractor'' means any individual or other legal entity that—

(A) directly or indirectly (through an affiliate or otherwise), submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a Federal Government contract, including a contract for carriage under Federal Government or commercial bills of lading, or a subcontract under a Federal Government contract; or

(B) conducts business, or reasonably may be expected to conduct business, with the Federal Government as an agent or representative of another contractor.

HUTCHISON (AND KENNEDY) AMENDMENT NO. 3916

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the end of the bill add the following:

The language on page 210, line 1, after ''medical assistance'' is deemed to have inserted the following: ''(other than medical assistance for an emergency medical condition as defined in section 1903(v)(3) of the Social Security Act)''.

KENNEDY AMENDMENTS NOS. 3917–3942

(Ordered to lie on the table.)

Mr. KENNEDY submitted 26 amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3917

At the end of the bill insert:

SEC. .

(a) IN GENERAL.—Notwithstanding section 117 of this Act, paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

''(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

''(A) IN GENERAL.—For purposes of paragraph (1), a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

''(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

''(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).''.

(b) LIMITATIONS ON COMPLAINTS.—Notwithstanding section 117 of this Act, Section 274B(d) (8) U.S.C. 1324b(d)) is amended by adding at the end the following new paragraph:

''(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENT ABUSE CASES.—

''(A) IN GENERAL.—Subject to subsection (a)(6) (A) and (B), if an employer—

''(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

''(ii) maintains a copy of such documents in an official record, and

''(iii) such documents appear to be genuine,

the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a complaint under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

''(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6) (A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.''.

(c) GOOD FAITH DEFENSE.—Notwithstanding section 117 of this Act, Section 274(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term ''knowledge'' as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.''.

AMENDMENT NO. 3918

On page 37 of the bill, beginning on line 12, strike all through line 19, and insert the following:

(a) IN GENERAL.—Paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

''(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

''(A) IN GENERAL.—For purposes of paragraph (1), a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

''(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

''(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).''.

(b) LIMITATIONS ON COMPLAINTS.—Section 274B(d) (8 U.S.C. 1324b)(d)) is amended by adding at the end the following new paragraph.

''(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENTS ABUSE CASES.—

''(A) IN GENERAL.—Subject to subsection (a)(6) (A) and (B), if an employer—

''(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

''(ii) maintains a copy of such documents in an official record, and

''(iii) such documents appear to be genuine, the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a complaint under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

''(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6) (A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.''.

(c) GOOD FAITH DEFENSE.—Section 274A(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term ''knowledge'' as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.''.

AMENDMENT NO. 3919

At the end of the bill insert:

SEC. . Notwithstanding section 117 of this Act, section 274 of the Immigration and Nationalization Act shall remain in effect.

AMENDMENT NO. 3920

On page 37 of the matter proposed to be inserted, beginning on line 9, strike all through line 19.

AMENDMENT NO. 3921

At the end of the bill insert:

SEC. . Notwithstanding any provision of this Act, no program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965, shall be subject to the deeming provisions of this Act.

AMENDMENT NO. 3922

On page 181, line 9, strike ''or'' and insert ''and

''(vii) any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965; or''.

AMENDMENT NO. 3923

At the end of the bill insert:

SEC. . Notwithstanding any provisions of this Act, the public charge requirements of this Act shall not apply to any assistance provided under any program of student assistance under title IV, V, IX, and X of the Higher Education Act of 1965.

AMENDMENT NO. 3924

At the end of the bill insert:

SEC. . EDUCATION ASSISTANCE.—The public charge requirements of this Act shall not apply to any assistance provided under any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965.

AMENDMENT NO. 3925

At the end of the bill insert:

SEC. . CERTAIN FEDERAL PROGRAMS.—Notwithstanding the provisions of this Act, the deeming requirements of this Act shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provisions of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles, III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3926

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3927

At the end of the bill insert:

SEC. . Notwithstanding this Act, the deeming requirements of this Act shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3928

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3929

At the end insert:

SEC. . Notwithstanding this Act, the deeming requirements of this Act shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act;

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United States Code.

AMENDMENT NO. 3930

On page 201 after line 4, insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act;

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United States Code.

AMENDMENT NO. 3931

At the end of the bill insert:

SEC. .

(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding this Act, for purposes of this Act, the term ''public charge'' shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d).

AMENDMENT NO. 3932

On page 190, after line 25, insert the following:

''(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding an program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d).''

AMENDMENT NO. 3933

At the end insert:

SEC. . (E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in this Act, for purposes of this Act, the term 'public charge' shall not include any alien who receives any services or assistance described in section 204(d)(3).

AMENDMENT NO. 3934

On page 190, after line 25, insert the following:

''(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any services or assistance described in section 204(d)(3).''.

AMENDMENT NO. 3935

At the end of the bill insert:

SEC. . LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—Notwithstanding any other provision of law, the subparagraphs listed in section 201 shall apply to the provision of pregnancy services for ineligible aliens:

AMENDMENT NO. 3936

On page 182, strike lines 22 and 23, and insert the following:

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—Notwithstanding any other provision of law, the following subparagraphs shall apply to the provision of pregnancy services for ineligible aliens:

AMENDMENT NO. 3937

At the end of the bill, insert the following new section:

SEC. . LIMITATION ON EXPENDITURES FOR PREGNANCY-RELATED SERVICES TO UNDOCUMENTED ALIENS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by inserting after subsection (k), the following new subsection:

''(l) Notwithstanding any other provision of law, for any fiscal year, not more than $120,000,000 may be paid under this title for reimbursement of services described in section 201(a)(1)(A)(ii) of the Immigration Control and Financial Responsibility Act of 1996 that are provided to individuals described in section 201(a)(4)(A) of such Act.''.

AMENDMENT NO. 3938

At the end of the bill insert the following new section:

SEC. . LIMITATION ON EXPENDITURES UNDER THE MEDICAID PROGRAM FOR PREGNANCY-RELATED SERVICES PROVIDED TO UNDOCUMENTED ALIENS.

Beginning with fiscal year 1997 and each fiscal year thereafter, with respect to payments for expenditures for services described in section 201(a)(1)(A)(ii) that are provided to individuals described in section 201(a)(4)(A)—

(1) the Federal Government has no obligation to provide payment with respect to such expenditures in excess of $120,000,000 during any such fiscal year and nothing in section 201(a)(1)(A)(ii), section 201(a)(4)(A), or title XIX of the Social Security Act shall 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 such services; and

(2) a State shall provide an entitlement to any person to receive any service, payment, or other benefit to the extent that such person would, but for this section, be entitled to such service, payment, or other benefit under title XIX of the Social Security Act.

AMENDMENT NO. 3939

At the end of the bill insert:

The provision of section 201 of this Act shall not apply to any preschool, elementary, secondary, or adult educational benefit.

AMENDMENT NO. 3940

On page 182, line 2 of the matter proposed to be inserted, insert the following new sentence: ''The preceding sentence shall not apply to any preschool, elementary, secondary, or adult educational benefit.''

AMENDMENT NO. 3941

At the end of the bill insert:

''SEC. . LIMITATION.—Not more than 150 of the number of investigators authorized in section 105 of this Act shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application''.

AMENDMENT NO. 3942

On page 8, line 17, before the period insert the following: ''except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application''.

SIMPSON AMENDMENTS NOS. 3943–3945

(Ordered to lie on the table.)

Mr. SIMPSON submitted three amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3943

Section 201(a)(1) is amended—
(1) by deleting paragraph (A)(ii) and renumbering the following sections accordingly.

AMENDMENT NO. 3944

Section 201(a)(1) is amended—
(2) by deleting paragraph (4).

AMENDMENT NO. 3945

Section 201(a)(1) is amended—
(1) by deleting paragraph (A)(ii) and renumbering the following sections accordingly; and
(2) by deleting paragraph (4).

KENNEDY AMENDMENTS NOS. 3946–3947

(Ordered to lie on the table.)

Mr. KENNEDY submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3946

At the appropriate place add the following:

SEC. . INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 4, 1996, not less than $4.70 an hour during the year beginning July 5, 1996, and not less than $5.15 an hour after July 4, 1997;''.

AMENDMENT NO. 3947

At the appropriate place add the following:

SEC. . INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 4, 1996, not less than $4.70 an hour during the year beginning July 5, 1996, and not less than $5.15 an hour after July 4, 1997;''.

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 the Food Quality Protection Act. The hearing will be held on Wednesday, May 22, 1996 at 9:30 a.m. in SR–332.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Armed Services and the associated subcommittees be authorized to meet at the following times, Tuesday, April 30, 1996, for mark up of the fiscal year 1997 Defense authorization bill.

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

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 during the Tuesday, April 30, 1996 session of the Senate for the purpose of conducting a hearing on S. 1420, the International Dolphin Conservation Program Act.

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 Tuesday, April 30, 1996, at 10 a.m. to hold a hearing.

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 Tuesday, April 30, 1996, at 10 a.m. to hold a hearing on California and affirmative action.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on affirmative action, during the session of the Senate on Tuesday, April 30, 1996, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 30, 1996, at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

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 Tuesday, April 30, 1996, to conduct hearings pursuant to Senate Resolution 120.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, be permitted to meet during a session of the Senate on Tuesday, April 30, 1996, at 9:30 a.m., to hold a hearing on Aviation Safety: Are FAA Inspectors Adequately Trained, Targeted, and Supervised?

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

ADDITIONAL STATEMENTS

RECOGNITION OF THE TAHOMA HIGH SCHOOL, WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION TEAM

● Mr. GORTON. Mr. President, I would like to extend my congratulations to the We the People * * * The Citizen and the Constitution team from Tahoma High School, and welcome these outstanding students to Washington, DC. As winners of the Washington State competition, the students from Tahoma High are here in Washington, DC to compete in the national ''We the People'' competition.

The We the People * * * The Citizen and the Constitution program focuses on the U.S. Constitution and Bill of Rights and fosters civic competence and responsibility among elementary and secondary school students in both public and private schools. The students from Tahoma High School should be commended for their diligence and the knowledge they have demonstrated of the fundamental principles and values of our constitutional democracy. I certainly wish them well in the national competition.●

WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION PROGRAM

● Mr. SIMON. Mr. President, over the past few days, more than 1,250 students from 50 States and the District of Columbia have been in Washington to compete in the national finals of the We the People * * * the Citizen and the Constitution Program. I am pleased to honor the advanced placement government class from Maine South High School in Park Ridge, IL, for representing Illinois and finishing in the top 10 in the national finals.

The distinguished members of the team are: Jeni Aris, Laura Batt, Stephanie Chen, Wesley Crampton, Sarah Crawford, Bryan Dayton, Vic De Martino, Bill Doukas, Jonathan Dudlak, Thomas Falk, Graham Fisher, Mark Iwaszko, Jessica Jakubanis, Hellin Jang, Chris Kiepura, Denise Knipp, Antoine Mickiewicz, Timmy Paschke, Gregory Reuhs, Kate Rowland, Chris Ryan, Brian Shields, Tracy Stankiewicz, Laurie Strotman, Tom Tsilipetros, Erica Vassilos, Walter Walczak, Cyrus Wilson, Kara Wipf, and Brian Wolfe.

I would also like to recognize Patton Feichter, their outstanding teacher, who can be credited with much of the team's success. The district coordinator, Alice Horstman, and the State coordinator, Carolyn Pereira, also devoted a great deal of time and were integral to the team's achievement.

The We the People * * * the Citizen and the Constitution Program is the

Nation's most comprehensive educational program, developed specifically to educate youth 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 ability to apply constitutional principles to both 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 22.6 million students nationwide. Congressional members and staff enhance the program by discussing current constitutional issues with students and teachers.

This extraordinary program is an excellent way for students to gain first-hand knowledge of the U.S. Constitution and assess its impact on both history and our lives. I commend these students and wish them success in their future endeavors.●

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 April 14–20, 1996, would be known in Tennessee as National Association of Retired Federal Employees Week.

April 19 of this year marked the first anniversary of the bombing of the Federal building in Oklahoma City. A number of members from the Tennessee chapter of the National Association of Retired Federal Employees faithfully volunteered their time and energy to help the victims and the community of 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 of my colleagues to have printed in the RECORD a proclamation by the Governor of my State of Tennessee, the Honorable Don Sundquist.

The proclamation follows:

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 ideals 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, 1966, as National Association of Retired Federal Employees Week in Tennessee and do urge all our citizens to join in this worthy observance.●

DR. LOREN BENSLEY

● Mr. LEVIN. Mr. President, I rise today to honor Dr. Loren Bensley who is retiring from Central Michigan University after 33 years of dedicated service.

Dr. Bensley is a Michigander who has made the State proud. He received his bachelor's degree from Central Michigan University in 1958, and returned 4 years later as a member of the department of health education and health science.

Dr. Bensley leaves his profession as an internationally recognized scholar in the field of health education. He has published over 60 articles and given more than 100 presentations during his tenure. He has also served as president of the American School Health Association. Dr. Bensley has been recognized twice by CMU for his excellence and has received 32 awards from various professional organizations for his leadership.

Dr. Bensley served as chapter adviser to the Eta chapter of Eta Sigma Gamma, the national health science honorary organization. Under his guidance, the chapter won the National Chapter of the Year Award 10 times.

After the end of the current semester, Dr. Bensley and his wife, Joy, will retire to their farm in Northport, MI. I know that my Senate colleagues join me in congratulating Dr. Bensley on his many years of service.

TRIBUTE TO JUDGE RONALD DAVIES

● Mr. CONRAD. Mr. President, in recent weeks we have mourned the passage of two great Americans, former Senator and Secretary of State Edmund Muskie, and Secretary of Commerce Ronald Brown.

However, little note was given to the passage of another man whose contribution to America's history and future may rival those of the better known men mentioned above.

I refer to Judge Ronald Davies, who died in Fargo, ND, April 18.

Appointed to the Federal bench in 1955 by President Eisenhower, Judge Davies served the Federal judicial district of North Dakota for 35 years. But his career will be remembered most by a decision he handed down nearly four decades ago.

In September 1957, Judge Davies was called to Arkansas to make a difficult ruling—one that has changed America forever. Mr. President, on September 7, 1957, Judge Ronald Davies of North Dakota ordered the immediate integration of the Little Rock, AR school system.

What followed that ruling was, and is, history. Many angry white residents of Little Rock, incited by anti-integrationists such as Gov. Orville Faubus, opposed the order and kept their children home from school. They vowed to keep African-American children out of the all-white high school—by violent force, if necessary. President Eisenhower responded by ordering Federal troops to Arkansas to keep order and escort the nine young African-American students to Little Rock's Central High School.

That decision, Mr. President, by a North Dakota judge in an Arkansas courtroom, began a new era of race relations in America. No longer were separate but equal schools—which were always separate but seldom equal—good enough in America. All citizens were entitled to equal treatment under the law, and that included an equal opportunity in public education.

Today, Mr. President, race relations in this country are far from ideal. However, few of us can imagine a return to the legalized segregation that existed before Judge Davies made his ruling in 1957.

Judge Davies was buried Monday, April 22, in Fargo. North Dakota lost a man of courage and conviction. America lost a piece of its history.

To the 5 children and 20 grandchildren he leaves behind, I send my deepest condolences, and our country sends her thanks.●

THE OMNIBUS APPROPRIATIONS BILL

● Mr. KERREY. Mr. President, last week we voted on an omnibus bill that completed our long-delayed work on fiscal year 1996 appropriations. This legislation's arduous and agonizing history defies belief—particularly since all sides claim to be committed to reducing the Federal deficit and balancing the Federal budget.

However, I want to point out two egregious provisions in this legislation. They particularly disturb me because I share my colleagues' interest in balancing the budget. These provisions also trouble me because they will increase Medicaid spending—and therefore crowd out discretionary programs within this year's spending bill and in the future. Under the mantle of fiscal conservatism—the premise of this appropriations bill—we are providing additional Federal dollars to States that have won political favor. We are spending hard-earned tax dollars in these States, but will not see an improvement in their health systems nor any other public good that will benefit American taxpayers. Although Republicans claim that they want to control Federal spending, the reality does not live up to their rhetoric.

The omnibus appropriations bill includes State-specific provisions that permit two States—States that blatantly abused Federal matching rules in the past—to draw excessive Federal Medicaid payments. According to a host of independent analyses, the disproportionate share hospital [DSH]

schemes used by these States and others nearly single handedly created double-digit increases in Federal Medicaid spending in the early 1990's. Congress shut down these schemes in 1991 and 1993 by creating State-specific and hospital-specific limits on DSH payments. However, through Republican maneuvering under this omnibus bill, two States that relied on these schemes will once again disproportionately benefit from the Federal Treasury.

First, New Hampshire will receive Federal matching payments for the disproportionate share hospital payments it made last year to a State-owned psychiatric hospital, even though these payments violate the hospital-specific limits enacted in 1993. The Department of Health and Human Services has deferred making Federal matching payments because these DSH payments normally would not be allowable under Medicaid matching rules. The omnibus appropriations bill would allow New Hampshire to receive matching payments up to $54 million, whether these payments are allowable or not.

In addition, although the majority intended to provide a fix only for New Hampshire, other States may also qualify under this provision.

Second, Louisiana will receive a guaranteed Federal payment of $2.6 billion—even though it will not be putting up the State dollars necessary to claim these matching payments. This provision, in essence, provides Louisiana with a higher Federal matching rate than allowed under current law, simply because Louisiana is unwilling or unable to commit sufficient State funds to support its existing Medicaid Program. Louisiana also used DSH scams to draw enormous Federal Medicaid payments and is now facing a budget shortfall under current, tighter rules. CBO initially estimated that this fix will cost the Federal Government an additional $900 million through 1999. Late-breaking negotiations have shortened the time-frame and lessened the Federal cost in the out-years. However, increased spending still will not be offset because the increase occurs later than fiscal year 1996.

In 1991 and 1993 Congress chose to close down some States' creative bookkeeping schemes and construct reasonable limits to the disproportionate share hospital program. These appropriations provisions will undermine those important protections for the Federal Treasury. If congressional Republicans were serious about limiting Federal spending, they would have refused to include these give-aways in this appropriations agreement. Instead, Congress will provide additional funding with no additional gain to American taxpayers.

The Republican Governors say that they can control Medicaid spending themselves—and they have clamored for Federal block grants to do so. Yet the Republican Governors in these two States sought these exceptions to Medicaid law. These legislative fixes signal that the Republican Governors in these States cannot even live within existing limits that control only one aspect of the Medicaid Program. If Medicaid block grants were to be enacted, we should expect a deluge of formula fixes in the future.●

RELIEF OF NATHAN C. VANCE

Mr. GRASSLEY. Further, for our leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 383, S. 966.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 966) for the relief of Nathan C. Vance.

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. GRASSLEY. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (S. 966) was deemed to have been read the third time, and passed, as follows:

S. 966

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

SECTION 1. PAYMENT TO NATHAN C. VANCE.

(a) PAYMENT.—Subject to subsections (b) and (c), the Secretary of Agriculture shall pay $4,850.00 to Nathan C. Vance of Wyoming for fire loss arising out of the Mink Area Fire in and around Yellowstone National Park in 1988.

(b) SOURCE OF FUNDS.—The Secretary of the Treasury shall pay the amount specified in subsection (a) from amounts made available under section 1304 of title 31, United States Code.

(c) CONDITION OF PAYMENT.—The payment made pursuant to subsection (a) shall be in full satisfaction of the claim of Nathan C. Vance against the United States, for fire loss arising out of the Mink Area Fire, that was received by the Forest Service in August 1990.

AMERICAN FOREIGN SERVICE DAY

Mr. GRASSLEY. Also, for our leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 381, Senate Resolution 217.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 217) to designate the first Friday in May, 1996 as ''American Foreign Service Day.''

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. GRASSLEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and 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. 217) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 217

Whereas the American Foreign Service was established in 1924 and some 11,600 men and women now serve with the foreign affairs agencies of the United States at home and abroad;

Whereas the diplomatic, consular, communications, trade, development, and numerous other functions these men and women perform constitute the first and most cost-effective line of defense of our Nation by protecting and promoting United States interests abroad;

Whereas the men and women of the American Foreign Service are increasingly exposed to risks and danger to themselves and their families, even in times of peace, and many have died in the service of their country;

Whereas in this uncertain post-Cold War era, an ever-vigilant American Foreign Service remains essential to the strategic, political, and economic well-being of this Nation by strengthening the United States' relations with other countries and promoting a safer, more peaceful world.

Whereas the United States Government's foreign affairs agencies and the American Foreign Service Association have observed Foreign Service Day on the first Friday in May for many years; and

Whereas it is both appropriate and just for the country as a whole to recognize the dedication of the men and women of the American Foreign Service and to honor those who have given their lives in the loyal pursuit of their duties and responsibilities representing the interests of the United States of America and of its citizens: Now, therefore, be it

Resolved, That the Senate—

(1) commend the men and women who have served or are presently serving in the American Foreign Service for their dedicated and important service to country;

(2) honor those in the American Foreign Service who have given their lives in the line of duty; and

(3) designate the first Friday in May 1996 as ''American Foreign Service Day''.

The President is authorized and requested to issue a proclamation calling upon the people of the United States and the Federal, State, and local administrators to observe the day with the appropriate programs, ceremonies, and activities.

ORDERS FOR WEDNESDAY, MAY 1, 1996

Mr. GRASSLEY. Also, Mr. President, for our leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. on Wednesday, May 1; 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 of, the morning hour be deemed

to have expired, and there then be a period for morning business with Senator LUGAR to be recognized for up to 45 minutes. I further ask that immediately following Senator LUGAR's statement the Senate resume consideration of the immigration bill.

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

PROGRAM

Mr. GRASSLEY. Mr. President, the Senate will tomorrow resume consideration of S. 1664. That is the immigration bill. That will be tomorrow morning. Senators should be reminded that there will be a cloture vote on the bill immediately following the vote on the Simpson amendment.

It is the hope of the majority leader that we will complete action on the immigration bill during Wednesday's session. All Senators can therefore be expected to have rollcall votes throughout tomorrow's session.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following my remarks.

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

THE NATION'S DRUG STRATEGY

Mr. GRASSLEY. Mr. President, yesterday I did not have an opportunity to participate in a very important series of speeches on the subject of the national drug strategy that were spoken by several of my colleagues, particularly on this side of the aisle. I am sorry I was not able to do that. That was under the leadership of Senator COVERDELL, and I compliment Senator COVERDELL for his leadership in that area. So, it is at this point, albeit 1 day later, that I would like to comment on our Nation's drug strategy.

Mr. President, when I returned to Washington after the Easter recess, I returned with a lot on my mind. During the last week of Easter recess I held a series of meetings across Iowa to brainstorm with parents, educators, law enforcement officers, country attorneys, probation officers, juvenile court officials, social service and youth specialists, and high school students. I wanted to hear their views on juvenile delinquency, violence, and drug use. I held these meetings to follow up on a town meeting I held in February. I did this, in part, as preparation for the reauthorization of the Juvenile Justice and Delinquency Act. We need to take a hard look at what works and where the act needs to be updated in order to meet today's requirements.

The meetings highlighted the deep concern of the public over the growing problem of violence and drug use among the Nation's young people. One of the causes of difficulties is the ease of availability of illegal drugs to today's young people. Not only do illegal drugs destroy families and ruin the lives of individuals; they exact a heavy cost on society as a whole. Whether it is in rising health care costs, losses at work, or greater risks on our highways and streets, drugs exact a heavy toll. Conservative estimates put the costs at over $67 billion a year. That does not include the costs of the drugs themselves. Nor is it a measure of human misery, which cannot be reduced to dollars and cents. When linked to rising crime and violence among our young people, the problems become even more disturbing.

Juvenile crime is not new but it is rising nationwide. What is worse, experts say kids commit more violent crimes today and show less remorse. In the last decade, murders committed by teens increased by 150 percent. Just recently, three children, one 6-year-old and two twins, aged 8, invaded the house of a neighbor to steal a tricycle. The 6-year-old, the ring leader, used the occasion to savagely attack an infant in its crib. The infant, beat and kicked by the 6-year-old, is not expected to live, and if he does live, he is likely to have brain damage. The crime was premeditated and vicious. Unfortunately, this tale of children killing children is becoming increasingly common. As is drug use among teenagers and even elementary school kids.

What is unfortunate about this rise in drug use is that it comes after years of declines. It comes after we had made considerable progress. After years in which ''Just Say No'' helped lift a generation of kids past the most vulnerable years—ages 12 to 20. Not only is use returning, but kids see less danger in using drugs than just a few years ago. Somewhere we put a foot wrong, and now we face the prospect of a new generation of addicts.

We cannot let this happen. Recently, I cochaired a congressional task force to lay the groundwork for fighting back. Last week I held a hearing on the domestic consequences of drug trafficking and use. Last month the Task Force on National Drug Policy, convened by Senator DOLE and Speaker GINGRICH, released ''Setting the Course: A National Drug Strategy''. In that report, we set out many of the prevention, treatment, law enforcement, and interdiction initiatives that we need to undertake to respond to the growing challenge of returning drug use. Senator HATCH, Congressman ZELIFF and I, along with others, have been working to put the drug issue back on the national agenda after years of neglect and virtual silence from the administration.

Yesterday, the administration, belatedly, issued its own strategy on how to fight back. While I welcome General McCaffrey, the new drug czar, to the fray, I am concerned that the strategy released by the administration is long on platitudes and shy on substance. While I do not doubt the General's sincerity, I am not all that confident in the administration's commitment to supporting him. Indeed, the General's first task is imply to recover much of the ground lost in the last 3 years. His effort is aimed at damage control. The strategy, unfortunately, is a prisoner to that effort. And it shows. It outlines fine sentiments, but it is skimpy on any measurable standards. It is hard to fault such language as the strategy contains. But it says little other than it is against drugs. It offers little in concrete measures to determine whether intent will be backed up by deeds. And it fights shy of providing any criteria to measure success.

I know that General McCaffrey intends to do all in his power to fight this problem, but when it comes to serious effort, my response is, ''Show me, don't tell me.'' It is important that we get action not more words.

This administration has been more than invisible on the drug issue in the past 3 years. It has tried to bury the drug issue. The first official act on drugs of this administration was to gut the drug czar's office. To cut its staff by 80 percent. It was this administration's first Surgeon General that called for the legalization of drugs. It was this administration that replaced ''Just Say No'' with ''Just Say Nothing.'' It was this administration that replaced a strategy that was working with one that has presided over one of the largest increases in use in the last 30 years. Furthermore, in the past 3 years under this administration's approach, the movement to legalize drugs has gained momentum.

It is deja vu all over again. Music, movies, and the media have begun to glamorize drug use. To normalize it in print and song. Meanwhile the response from the administration to rising teenage drug use or the effort to legalize dangerous drugs has been like pulling teeth to monitor, difficult to explain, and hard to spot with the naked eye.

It is only after growing criticism from Congress and from the public that the administration has begun, at long last, to at least talk about the drug issue. The President has had more to say about the drug issue in the past 2 months than in the past 3 years. It is about time. It is only after efforts by Congress to force a more serious strategy on the administration, and to insist upon accountability in programs, that the administration has begun to speak about meaningful efforts.

The administration is now talking about the need for a bipartisan effort. I, for one, welcome such an effort. But let us not mistake criticism of failed policies as partisanship. It is, after all, criticisms of the past few years of effort that have led to the present, election-year reversals. It is breaking the silence on poor performance and neglect that have led to renewed attention to drug policy. To the appointment of a new drug czar. To a rediscovered interest by the President in drug policy.

Better late than never. But, while I welcome the present born-again policy, I remain concerned about the intent behind it. There is more showmanship and political maneuvering in the present effort than depth of commitment. I know that General McCaffrey is not running for reelection. I believe that General McCaffrey is serious when he says he wants a bipartisan approach. I am less certain about the motives of others in the administration. I remain concerned that many of the Key advisers on policy are hostile to serious enforcement and interdiction efforts. I am concerned about the commitment of some of the advisers to the White House to keeping drugs illegal.

Nevertheless, I welcome the strategy and I hope that the administration will support the drug czar, unlike his predecessor. I hope that we will see more action. I hope that the action that we see focuses less on backdrops and photo ops, and more on results.

I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until tomorrow at 9 a.m.

Thereupon, the Senate, at 9:32 p.m., adjourned until Wednesday, May 1, 1996, at 9 a.m.

EXTENSIONS OF REMARKS

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

SPEECH OF

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. DORNAN. Mr. Speaker, we are discussing the fiscal year 1996 omnibus appropriations bill in which an important provision to withhold funding for expanded diplomatic relations with Vietnam until. the tyrannical Communist government of Vietnam provides a full accounting of our POW/MIA's was rendered ineffective by compromise language. The original language of the provision, which was cosponsored by myself and distinguished colleagues, BEN GILMAN, BOB BARR, and JACK KINGSTON, called for the Vietnamese to ''fully cooperate'' in providing answers to voluminous intelligence reports and analysis in the possession of the United States Department of Defense that is related to more than 400 POW/MIA cases where the service men were last known alive or known to have perished under Vietnamese Government control.

In three hearings before my subcommittee, United States Government analysts repeatedly testified under oath that the United States Government knows that the Vietnamese Government is withholding volumes of records and documents related to missing American heroes in Vietnam and Laos. The words ''fully cooperating'' was originally accepted by House and Senate appropriations conferees. Tragically this important specific terminology was, at the last minute, watered down to ''Elmer Gantryesque'' charlatan's rhetoric: ''cooperating in full faith.'' In their needless desperation to cut a deal during the waning hours of negotiations with the White House, congressional negotiators apparently believed that the fate of missing American heroes and the pleas of their families for an honest accounting were an issue to be bartered with the ''triple draft-dodger-in-chief.''

Mr. Speaker, I am supported by esteemed colleagues and friends such as Senator BOB SMITH and the ''Gary Cooper'' of this legislative body former POW SAM JOHNSON, in our determination to hold the White House totally culpable. The President must prove, based on United States intelligence analysis in our possession, whether the Vietnamese Government has fully accounted for all POW/MIA cases and returned all remains of fallen heroes in their possession, before any more tax dollars are spent on expanding relations with the brutal and tyrannical Communist dictators in Hanoi.

HONORING THE RICKMAN VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Rickman 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 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.

TRIBUTE TO MARYNEZ TORRES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. LIPINSKI. Mr. Speaker, I pay tribute today to a brave young woman in my district whose quick thinking saved her family.

Ms. Marynez Torres, 15 was baby-sitting her two younger brothers when a fire broke out in the kitchen of the family's home. Unable to extinguish the fire, Ms. Torres rushed her two brothers out of the house to a safe location and dialed ''911''.

She was recently honored by both the Hodgkins Village board president and the Pleasantview Fire Protection District for her heroic efforts. As Pleasantview Fire Chief Dan Hermes told Ms. Torres, ''You did everything right. We thank you for remembering what to do.''

Mr. Speaker, I commend Ms. Torres for her quick thinking that saved the life of her two brothers.

''WE THE PEOPLE * * * THE CITIZEN AND CONSTITUTION'' PROGRAM

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. BURTON of Indiana. Mr. Speaker, on April 27–29, 1996, more than 1,300 students from 50 States and the District of Columbia were 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 the class from Lawrence Central High School from Indianapolis, represented the 6th district of the State of Indiana. These young scholars worked diligently to reach the national finals by winning local competitions in their home State.

The distinguished members of the team representing Indiana are: Amber Anderson, Carrie Anderson, Heather Bailey, Alicia Crichton, Nathan Criswell, Finda Fallah, Jeremy Freismuth, Lourie Gilbert, Robert Gordon, Phillip Gray, Amanda Gross, Tim Halligan, Lindsey Hamilton, Brandon Hart, Scott King, Brent Patterson, Mike Petro, Megan Pratt, Jason Roberts, Anthony Roque, C. David Smith, Tony Snider, Tomeka Stansberry, Crystal Sullivan, Sarah Thompson, Gene Wagner, Maurice Williams, and Mike Zabst.

I would also like to recognize their teacher, Drew Horvath, who deserves much of the credit for the success of the team. The district coordinator, Langdon Healy, and the State coordinator, Robert Leming, also contributed a significant amount of time and effort to help the team reach 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 9th 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 am very proud of the achievements of these students from Lawrence Central High School.

TRIBUTE TO DALE BROWN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. PORTMAN. Mr. Speaker, I am extremely pleased to rise today in recognition of Ms. Dale P. Brown, a distinguished citizen of Cincinnati.

On Wednesday, May 1, Ms. Brown will receive the prestigious Human Relations Award from the Cincinnati Chapter of the American Jewish Committee, a much deserved honor for all of the work she has done both professionally and for her community.

Ms. Brown has made quite a mark on Cincinnati. As the president and CEO of the Sive/Young & Rubicam advertising firm, Dale Brown has led her company through a period of rapid growth and deep community involvement.

Dale Brown also helped reengineer the United Way ''Shaping the Future'' Task Force, is the communications chair for the 1996 United Way campaign, and was named a Career Woman of Achievement by the Cincinnati YWCA. And I have had the pleasure of working with Ms. Brown, in her role as a founding member of the steering committee of the Coalition for a Drug-Free Greater Cincinnati, a grassroots group that I organized to fight the war on drugs at the local level.

Mr. Speaker, I hope that you will join me and the rest of my colleagues in recognizing Dale Brown for all her selfless contributions to her community. Whether leading her business to unprecedented success or volunteering in the fight against teenage drug use, Brown is an inspiration to those around her. Cincinnati is fortunate to have someone of her caliber in our midst.

PRAISING OUR DIPLOMATIC CORPS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. RICHARDSON. Mr. Speaker, as a member of our Permanent Select Committee on Intelligence, I have had the unique opportunity to participate in a number of highly sensitive foreign affairs missions. In each of my overseas assignments, I have had the great pleasure of working with exceptional members of our diplomatic corps.

Sadly, the corps is not always appreciated as the State Department has been under siege, even by some Members of this body who seek to undermine the activity of our diplomatic corps to properly represent U.S. interests and citizens overseas.

The work that our diplomats do in representing this country has a profound impact. Their work enables our country to engage in international business, but more importantly, they save our country blood by defusing crises before we need to send our military.

Ambassadors, and indeed our entire diplomatic corps, are our country's first line of defense and are critical to our national security and interest.

Our most able Ambassador to Spain, the Honorable Richard Gardner recently presented an eloquent case defending and explaining the work of our diplomats. I urge my colleagues to review Ambassador Gardner's March 29, 1996, speech to the American Society of International Law which is excerpted here.

WHO NEEDS AMBASSADORS?

I come to you as a deeply troubled ambassador. I am troubled by the lack of understanding in our country today about our foreign policy priorities and the vital role of our embassies in implementing them. I sometimes think that what our ambassadors and embassies do is one of our country's best kept secrets.

During the Cold War there was also confusion and ignorance, but at least there was bipartisan consensus on the need for American leadership in defending freedom in the world against Soviet aggression and the spread of totalitarian communism.

Much of my work as ambassador to Italy was dominated by this overriding priority. At a time when some Italian leaders were flirting with the compromesso storico—a government alliance between Christian Democrats and an Italian Communist Party still largely oriented toward Moscow—I was able to play a modest role in making sure the Italians understood why the United States opposed the entry of Communist parties into the governments of NATO allies.

When the Soviet Union began threatening Europe by deploying its SS–20 missiles, it was vitally important for NATO to respond by deploying the Pershing 2 and cruise missiles. It soon became clear that the deployment could not occur without a favorable decision by Italy. Our embassy in Rome was able to persuade an Italian Socialist Party with a history of hostility to NATO to do an about-face and vote for the cruise missile deployment in the Italian Parliament along with the Christian Democrats and the small non-communist lay parties.

Some years later Mikhail Gorbachev said it was the NATO decision to deploy the Pershing and cruise missiles—not the Strategic Defense Initiative as some have claimed—that helped bring him to the realization that his country had to move from a policy based on military threats to one of accommodation with the West.

So at the height of the Cold War, it did not take a genius to understand the need for strong U.S. leadership in the world and for effective ambassadors and embassies in support of that leadership.

Today, however, there is no single unifying threat to help justify and define a world role for the United States. As a result, we are witnessing devastating reductions in the State Department budget which covers the cost of our embassies overseas.

Now that there is no longer a Soviet Union and a Communist threat, what is our foreign policy all about? And what is the current need for ambassadors and embassies?

A common refrain heard today is that American foreign policy lacks a single unifying goal and a coherent strategy for achieving it. But precisely because the post Cold War world is so complex, so rapidly evolving, and characterized by so many diverse threats to our interests, it is difficult to encapsulate in one sentence or one paragraph a definition of American foreign policy that has global application.

Perhaps we should start by recalling what our foreign policy was all about before there was a Cold War. It was about trying to create a world in which the American people could be secure and prosperous and see their deeply held values of political and economic freedom increasingly realized in other parts of the world. Well, that is still the purpose of our foreign policy today.

Presidents Franklin Roosevelt and Harry Truman, with broad bipartisan support from Republicans like Wendell Willkie and Arthur Vandenberg, sought to implement these high purposes with a policy of practical internationalism, which I define as working with other countries in bilateral, regional and global institutions to advance common interests in peace, welfare and human rights.

Our postwar ''founding fathers'' in both political parties understood the importance of military power and the need to act alone if necessary in defense of U.S. interests. But they also gave us the United Nations, the Bretton Woods organizations, GATT, the Marshall Plan, NATO and the Point Four program as indispensable instruments for achieving our national purposes in close cooperation with others.

We are working with host governments to restore momentum to the endangered Middle East peace process by mobilizing international action against the Hamas terrorists and their supporters, providing technical assistance and economic aid to the Palestinian authority, encouraging the vital Syrian-Israeli negotiations, and promoting regional Middle East economic development.

We have been consulting with key European governments such as Spain as well as with the EU Commission in Brussels on how to bring a peaceful transition to democracy in Cuba.

On the second priority: confronting the new transnational threat:

Having worked successfully with our host governments for the unconditional and indefinite extension of the Non-Proliferation Treaty—a major diplomatic achievement—we are focusing now on building support for a Comprehensive Test Ban Agreement, on keeping weapons of mass destruction out of the hands of countries like Iran, Iraq and Libya, and on securing needed European financial contributions for the Korean Energy Development Organization, an essential vehicle for terminating North Korea's nuclear weapons program.

We are working to strengthen bilateral and multilateral arrangements to assure the identification, extradition and prosecution of persons engaged in drug trafficking, organized crime, terrorism and alien smuggling, and we are building European support for new institutions to train law enforcement officers in former Communist countries, such as the International Law Enforcement Academy in Budapest.

And we are giving a new priority in our diplomacy to the protection of the global environment, coordinating our negotiating positions and assistance programs on such issues as population, climate change, ozone depletion, desertification, and marine pollution. For we have learned that environmental initiatives can be vitally important to our goals of prosperity and security: negotiations on water resources are central to the Middle East peace process, and a Haiti denuded of its forests will have a hard time supporting a stable democracy and keeping its people from flooding our shores.

On the third priority: promoting open markets and prosperity:

Having worked with our host countries to bring a successful conclusion to the Uruguay Round, we are now busily engaged in discussing left-over questions like market access for audiovisuals, telecommunications, and bio-engineered foods, and new issues like trade and labor standards, trade and environment, and trade and competition policy.

We are also encouraging the enlargement of the European Union to Central and Eastern Europe and we are reporting carefully on the prospects of the European Monetary Union by the target date of 1999 and on the implications of an EMU for U.S. interests.

In carrying out this rich global foreign policy agenda we will be greatly assisted by the

agreement that was reached in Madrid last December between President Clinton, Prime Minister Felipe Gonzalez and President Jacques Santer of the European Commission on the ''New Transatlantic Agenda'' and its accompanying ''U.S.-EU Action Plan.''

These documents were a major achievement of Spain's EU presidency. They represent an historic breakthrough in U.S. relations with the European Union, moving those relations beyond consultation to common action on almost all of the foreign policy questions I cited earlier and many others I have no time to mention.

A senior-level group from the United States, the European Commission and the EU Presidency country (currently Italy) is responsible for monitoring progress on this large agenda and modifying it as necessary.

The Madrid documents commit the U.S. and the EU to building a new ''Transatlantic Marketplace.'' We have agreed to undertake a study on the reduction or elimination of tariffs and non-tariff barriers between the two sides of the Atlantic. Even as the study proceeds, we will be looking at things that can be done rather promptly, such as eliminating investment restrictions, duplicative testing and certification requirements, and conflicting regulations. This means more work not only in Brussels and Washington but in each of our embassies.

We will also be following closely the EU's Intergovernmental Conference (IGC) that is now opening in Turin. The common foreign and security policy provided for in the Maastricht Treaty is still a work in progress. Although the EU provides substantial economic aid and takes important regional trade initiatives, it has so far proved unable to deal with urgent security crisis like those in the former Yugoslavia and the Aegean.

The IGC offers an opportunity to revise EU institutions and procedures so that a common foreign and security policy can be made to work in an EU whose membership could grow from 15 to 27 in the decade ahead. We hope that opportunity will be seized.

What changes the IGC should make in the Maastricht Treaty is exclusively for the EU countries to decide, but the United States is not indifferent to the outcome. We believe our interests are served by continuing progress toward European political as well as economic unity, which will make Europe a more effective partner for the United States in world affairs.

The question that remains to be answered is whether the American people and the Congress are willing to provide the financial resources to make all this activity possible. The politics of our national budget situation has ominous implications for our foreign policy in general and our international diplomacy in particular.

Let us begin with some very round numbers. We have a Gross Domestic Product of about $7 trillion and a federal budget of about $1.6 trillion. Nearly $1.1 trillion of that $1.6 trillion goes to mandatory payments—the so-called entitlement programs such as Medicare, Medicaid, and social security and also federal pensions and interest on the national debt. The remaining $500 billion divides about equally between the defense budget and civilian discretionary spending—which account for some $250 * * *.

Of the $250 billion of civilian discretionary spending, about $20 billion used to be devoted on the average of years to international affairs—the so-called 150 account. This account includes our assessed and voluntary payments to the UN, our bilateral aid and contributions to the international financial institutions, the U.S. Information Agency's broadcasting and educational exchange programs, and the State Department budget.

Congressional spending cuts have now brought the international affairs account down to about $17 billion annually—about 1 percent of our total budget. Taking inflation into account, this $17 billion is nearly a 50 percent reduction in real terms from the level of a decade ago. For Fiscal Year 1997, the Congressional leadership proposes a cut to $15.7 billion. Its 7-year plan to balance the budget would bring international affairs spending down to $12.5 billion a year by 2002.

Keep in mind that about $5 billion of the 150 account, goes to Israel and Egypt—rightly so, in my opinion, because of the priority we accord to Middle East peace. So under the Congressional balanced budget scenario only $7.5 billion would be left four years from now for all of our other international spending.

These actual and prospective cuts in our international affairs account are devastating. Among other things, they mean:

that we cannot pay our legally owing dues to the United Nations system, thus severely undermining the world organization's work for peace and compromising our efforts for UN reform.

that we cannot pay our fair share of voluntary contributions to UN agencies and international financial institutions to assist the world's poor and promote free markets, economic growth, environmental protection and population stabilization;

that we must drastically cut back the reach of the Voice of America and the size of our Fullbright and International Visitor programs, all of them important vehicles for influencing foreign opinion about the United States;

that we will have insufficient funds to respond to aid requirements in Bosnia, Haiti, the Middle East, the former Communist countries and in any new crisis where our national interests are at * * *.

Why did they do these things?

Because they understood the growing interdependence between conditions in our country and conditions in our global neighborhood.

Because they understood that our best chance to shape the world environment to promote our national security and welfare was to share costs and risks and other nations in international institutions.

And because they understood that our national interest in the long run would best be served by realizing the benefits of reciprocity and stability only achievable through the development of international law.

Listening to much of our public debate, I sometimes think that all this history has been forgotten, that we are suffering from a kind of collective amnesia. I submit that the basic case for American world leadership today is essentially the same as it was before the Cold War began. It is a very different world, of course, but the fact of our interdependence remains. Obviously, in every major respect, it has grown.

What are the specific foreign policy priorities in the Clinton Administration? In a recent speech at Harvard's Kennedy School, Secretary of State Warren Christopher identified three to which we are giving special emphasis—pursuing peace in regions of vital interest, confronting the new transnational security threats, and promoting open markets and prosperity.

The broad lines of American policy in these three priority areas are necessarily hammered out in Washington. But our embassies constitute an essential part of the delivery system through which those policies are implemented in particular regions and countries.

This includes not only such vital multilateral embassies as our missions to the UN in New York, Geneva and Vienna, and to NATO and the European Union in Brussels, but also our embassies in the more than 180 countries with which we maintain diplomatic relations.

Americans have fallen into the habit of thinking that ambassadors and embassies have become irrelevant luxuries, obsolete frills in an age of instant communications. We make the mistake of thinking that if a sound foreign policy decision is approved at the State Department or the White House, it does not much matter how it is carried out in the field.

This is a dangerous illusion indulged in by no other major country. Things don't happen just because we say so. Discussion and persuasion are necessary. Diplomacy by fax simply doesn't work.

Ambassadors today need to perform multiple roles. They should be the ''eyes and ears'' of the President and Secretary of State; advocates of our country's foreign policy in the upper reaches of the host government.

They need to build personal relationships of mutual trust with key overseas decisionmakers in government and the private sector. They should also radiate American values as intellectual, educational and cultural emissaries, communicating what our country stands for to interest groups and intellectual leaders as well as to the public at large.

In a previous age of diplomacy, U.S. ambassadors spent most of their time dealing with bilateral issues between the United States and the host country. Bilateral issues are still important—assuring access to host country military bases, promoting sales of U.S. products, stimulating educational and cultural exchanges are some notable examples. And every embassy has the obligation to report on and analyze political and economic developments in the host country that may impact on U.S. interests.

But most of the work of our ambassadors and embassies today is devoted to regional and global issues—indeed, to acting upon the three key priorities identified by Secretary Christopher in his Kennedy School speech. Let me give you some examples based on my experience in Madrid and with my fellow ambassadors in Europe:

On the first priority: pursuing peace in regions of vital interest:

We are working with our host countries to fashion common policies on the continued transformation of NATO, Partnership for Peace, NATO enlargement, and NATO-Russia relations.

After having secured host country support for the military and diplomatic measures that brought an end to the fighting in Bosnia, we are now working to assure the implementation of the civilian side of the Dayton Agreement, notably economic reconstruction, free elections, the resettlement of refugees, and the prosecution of war crimes.

That we will have fewer and smaller offices to respond to the 2 million requests we receive each year for assistance to Americans overseas and to safeguard our borders through the visa process.

And that we will be unable to maintain a world-class diplomatic establishment as the delivery vehicle for our foreign policy.

A final word on this critical last point. The money which Congress makes available to maintain the State Department and our overseas embassies and consulates is now down to about $2.5 billion a year. As the international affairs account continues to go down, we face the prospect of further cuts. The budget crunch has been exacerbated by the need to find money to pay for our new embassies in the newly independent countries of the former Soviet Union.

In our major European embassies, we have already reduced State Department positions by 25 percent since Fiscal Year 1995. We have been told to prepare for cuts of 40 percent or more from the 1995 base over the next two or three years.

In our Madrid embassy, to take an example, this will leave us with something like three political and three economic officers besides the ambassador and deputy chief of mission to perform our essential daily diplomatic work of advocacy, representation and reporting in the broad range of vitally important areas I have enumerated. Our other embassies face similarly devastating reductions.

I have to tell you that cuts of this magnitude will gravely undermine our ability to influence foreign governments and will severely diminish our leadership role in world affairs. They will also have detrimental consequences for our intelligence capabilities since embassy reporting is the critical overt component of U.S. intelligence collection. In expressing these concerns I believe I am representing the views of the overwhelming majority of our career and non-career ambassadors.

Under the pressure of Congressional budget cuts, the State Department is eliminating 13 diplomatic posts, including consulates in such important European cities as Stuttgart, Zurich, Bilbao and Bordeaux. The Bordeaux Consulate dated back to the time of George Washington. Try explaining to the French that we cannot afford a consulate there now when we were able to afford one then when we were a nation of 3 million people.

The consulates I have mentioned not only provided important services to American residents and tourists, they were political lookout posts, export promotion platforms, and centers for interaction with regional leaders in a Europe where regions are assuming growing importance. Now they will be all gone.

Closing the 13 posts is estimated to save about $9 million a year, one quarter of the cost of an F–16 fighter plane. Bilbao, for example, cost $200,000 a year. A B–2 bomber costs about $2,000 million. I remind you that $2 billion pays nearly all the salaries and expenses of running the State Department—including our foreign embassies—for a year.

Let us be clear about what is going on. The commendable desire to balance our national budget, the acute allergy of the American people to tax increases (indeed, their desire for tax reductions), the explosion of entitlement costs with our aging population, and the need to maintain a strong national defense, all combine to force a drastic curtailment of the civilian discretionary spending which is the principal public vehicle for domestic and international investments essential to our country's future.

Having no effective constituency, spending on international affairs is taking a particularly severe hit within the civilian discretionary account and with it the money needed for our diplomatic establishment. The President and the Secretary of State are doing their best to correct this state of affairs, but they will need greater support from the Congress and the general public than has been manifest so far if this problem is to be properly resolved.

I submit that it will not be resolved, until there is a recognition that the international affairs budget is in a very real sense a national security budget—because diplomacy is our first line of national defense. The failure to build solid international relationships and treat the causes of conflict today will surely mean costly military interventions tomorrow.

TRIBUTE TO CALIFORNIA WORKING GROUP

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Ms. ESHOO. Mr. Speaker, I rise today to honor the California Working Group, whose TV producers are being honored by the 110 affiliated local unions of the Central Labor Council of San Mateo County, AFL–CIO, and their 65,000 members and families for their production of ''We Do the Work.''

California Working Group has for 6 years produced ''We Do the Work,'' the only national public television series that addresses contemporary life and issues faced by working people. The weekly series has been broadcast on more than 130 PBS stations across the country, with programs highlighting Americans' concerns about unemployment, child labor, job wages, job migration, health and safety issues, and job training, as well as programming which examines the labor culture, media coverage of work issues, and leadership within the labor movement.

The staff and board of directors of California Working Group have succeeded in their mission by producing programs that bring positive images of working people to television. The distinguished producers and members on the staff are Patrice O'Neill, Rhian Miller, Linda Peckham, Kyung Sun Moon, Debra Chaplan, Valerie Lapin, Craig Berggold, and Steve Diputado and the board of directors are Rome Aloise, Mary Anne Barnett, Danny Beagle, Barbara Byrd, Art Carter, Dave Elsila, John Garcia, Kathy Garmezy, Jeff Greendorfer, Conn Hallinan, Ben Hudnall, Bob Kalaski, Karen Keiser, Shelley Kessler, Ed Logue, Ken Lohre, Jack McNally, Kerry Newkirk, Gladys Perry, Art Pulaski, Erica Rau, Charlie Reiter, Alicia Ribeiro, Steve Roberti, Dan Scharlin, Steve Shriver, Carole Sickler, Dave Sickler, and Michael Straeter. Together they have successfully provided a forum for ordinary Americans to speak their minds and share their stories with the public at large.

California Working Group productions have been awarded Golden and Silver Apple Awards from the National Educational and Film & Video Festival, silver and gold plaques from the Chicago International Film Festival, and the Sidney Hillman Award.

Mr. Speaker, the California Working Group is an exemplary nonprofit organizations that has contributed great depth and diversity to our community and the labor movement. I ask my colleagues to join me in saluting the California Working Group, its staff and board of directors whose dedication and commitment to quality programming has given a voice to working Americans.

HONORING THE ROCK CITY/ROME VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Rock City/Rome 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 EMIL SCHIEVE POST, AMERICAN LEGION ON ITS 75TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding veterans organization in my district, the Emil Schieve Post of the American Legion, in Lyons, IL, as it celebrates its 75th anniversary this year.

The post was founded in 1921 by a group of World War I veterans. Its namesake, Emil Scheive was the first Lyons man killed in World War I. He died in action in France on October 4, 1918.

In its three quarters of a century in, the post has had four homes, moving to its current location at 4112 Joliet Avenue, the village's former library in 1967. In honor of its anniversary, the post is displaying historical photos from its archives that not only highlight its history, but the community's as well.

Mr. Speaker, I commend the members, living and past, of Emil Schieve American Legion Post on its 75th anniversary serving the veterans of their community.

TRIBUTE TO TING LOU

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Ting Lou of Stuyvesant High School in Manhattan who was chosen Monday March 11, 1996, as the second place winner in the prestigious Westinghouse Science Awards.

Mr. Speaker, since 1942, the Westinghouse Science Talent Search has identified and encouraged high school seniors nationwide to

pursue careers in science, mathematics, and engineering.

Westinghouse Talent Search alumni have won more than 100 of the world's most coveted science and math awards and honors. Five have gone on to win the Nobel prize, three have been awarded the National Medal of Science, and thirty have been elected to the National Academy of Sciences.

Mr. Speaker, Ting Lou finished second among the 1,869 nationwide entries. She investigated gene expression, a fundamental cellular process, and proposed a mechanism for turning gene expression on and off.

Ting Lou who resides in Woodside, NY attends Stuyvesant High School, a magnet school located in Manhattan which contributed four overall finalists, only one of two schools nationwide to contribute multiple finalists.

Mr. Speaker, I am proud to recognize the achievements of Ting Lou and I know my colleagues join me in congratulating her and all the other finalists in the Westinghouse Talent Search.

FUTURE OF U.S. DIPLOMACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. HAMILTON. Mr. Speaker, several weeks ago, Richard Gardner, our distinguished ambassador to Spain, gave a thoughtful speech entitled, ''Who Needs Ambassadors? Challenges to American Diplomacy Today.'' I believe these remarks are very relevant to our ongoing deliberations on H.R. 1561, which would authorize spending levels for the State Department and other foreign policy agencies. Ambassador Gardner points out what happens to American foreign policy when our Ambassadors do not have the resources to conduct our business overseas. He rightly points out that ''what our ambassadors and embassies do is one of our country's best kept secrets.'' I commend his remarks to my colleagues.

WHO NEEDS AMBASSADORS? CHALLENGES TO AMERICAN DIPLOMACY TODAY

EXCERPTS FROM AN ADDRESS BY RICHARD N. GARDNER, U.S. AMBASSADOR TO SPAIN, TO THE ANNUAL BANQUET OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW, MARCH 29, 1996

I * * * come to you as a deeply troubled Ambassador. I am troubled by the lack of understanding in our country today about our foreign policy priorities and the vital role of our embassies in implementing them. I sometimes think that what our ambassadors and embassies do is one of our country's best kept secrets.

* * * * *

[A]t the height of the Cold War, it did not take a genius to understand the need for strong U.S. leadership in the world and for effective ambassadors and embassies in support of that leadership.

Today, however, there is no single unifying threat to help justify and define a world role for the United States. As a result, we are witnessing devastating reductions in the State Department budget which covers the cost of our Embassies overseas.

* * * * *

The constructive international engagement we all believe in will continue to be at risk until we all do a better job of explaining its financial requirements to the American people and the Congress.

* * * * *

[I]t is difficult to encapsulate in one sentence or one paragraph a definition of American foreign policy that has global application.

* * * * *

In his address to Freedom House last October, President Clinton spelled out for Americans why a strong U.S. leadership role in the world is intimately related to the quality of their daily lives:

''The once bright line between domestic and foreign policy is blurring. If I could do anything to change the speech patterns of those of us in public life, I would almost like to stop hearing people talk about foreign policy and domestic policy, and instead start discussing economic policy, security policy, environmental policy—you name it.''

* * * * *

Ambassadors today need to perform multiple roles. They should be the ''eyes and ears'' of the President and Secretary of State; advocates of our country's foreign policy in the upper reaches of the host government; resourceful negotiators in bilateral and multilateral diplomacy. They need to build personal relationships of mutual trust with key overseas decision-makers in government and the private sector. They should also radiate American values as intellectual, educational and cultural emissaries, communicating what our country stands for to interest groups and intellectual leaders as well as to the public at large.

* * * * *

The question that remains to be answered is whether the American people and the Congress are willing to provide the financial resources to make all this activity possible.

* * * * *

Congressional spending cuts have now brought the international affairs account down to about $17 billion annually—about 1 percent of our total budget. Taking inflation into account, this $17 billion is nearly a 50 percent reduction in real terms from the level of a decade ago. For Fiscal Year 1997, the Congressional leadership proposes a cut to $15.7 billion. Its 7-year plan to balance the budget would bring international affairs spending down to $12.5 billion a year by 2002.

Keep in mind that about $5 billion of the 150 account goes to Israel and Egypt * * * So under the Congressional balance budget scenario only $7.5 billion would be left four years from now for all of our other international spending.

These actual and prospective cuts in our international affairs account are devastating. Among other things, they mean:

That we cannot pay our legally owing dues to the United Nations system, thus severely undermining the world organization's work for peace and compromising our efforts for UN reform.

That we cannot pay our fair share of voluntary contributions to UN agencies and international financial institutions to assist the world's poor and promote free markets, economic growth, environmental protection and population stabilization;

That we must drastically cut back the reach of the Voice of America and the size of our Fulbright and International Visitor programs, all of them important vehicles for influencing foreign opinion about the United States;

That we will have insufficient funds to respond to aid requirements in Bosnia, Haiti, the Middle East, the former Communist countries and in any new crises where our national interests are at stake;

That we will have fewer and smaller offices to respond to the 2 million requests we receive each year for assistance to Americans overseas and to safeguard our borders through the visa process.

And that we will be unable to maintain a world class diplomatic establishment as the delivery vehicle for our foreign policy.

The money that congress makes available to maintain the State Department and our overseas embassies and consulates is now down to about $2.5 billion a year. As the international affairs account continues to go down, we face the prospect of further cuts. The budget crunch has been exacerbated by the need to find money to pay for our new embassies in the newly independent countries of the former Soviet Union.

In our major European embassies, we have already reduced State Department positions by 25 percent since Fiscal Year 1995. We have been told to prepare for cuts of 40 percent or more from the 1995 base over the next two or three years.

* * * * *

I have to tell you that cuts of this magnitude will gravely undermine our ability to influence foreign governments and will severely diminish our leadership role in world affairs. They will also have detrimental consequences for our intelligence capabilities since embassy reporting in the critical overt component of U.S. intelligence collection. In expressing these concerns I believe I am representing the views of the overwhelming majority of our career and non-career ambassadors.

Having no effective constituency, spending on international affairs is taking a particularly severe hit within the civilian discretionary account and with it the money needed for our diplomatic establishment.

The failure to build solid international relationships and treat the causes of conflict today will surely mean costly military interventions tomorrow.

REFLECTIONS OF HOLOCAUST

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to acknowledge a fifth grade student, Samantha Peay, from my district who has written the most beautiful and profound poem on the Holocaust. Her astute analysis of this chilling event reminds us of the horror and pain that so many endured. I congratulate Samantha for her eloquent poem and hope that students in classrooms throughout the world will also explore the history of the Holocaust.

REFLECTIONS OF HOLOCAUST

(By Samantha Peay)

Eyes ablaze in frightened faces
Staring into empty spaces
Arms and hands that bear a stamp
Lonely and scared in a crowded camp
Tortured, beaten, waiting for the kill
Death houses waiting cold and still
Its frightening to look back and think
Trying to make a people extinct
It may have happened long ago
In a place I do not know
I read and talk about this sorrow
But can it happen again tomorrow?
Can some madman filled with hate
Cause a future holocaust date?
Never again must we torture, kill or burn
From the pages of history we must learn
People of the world take a stand

Tell the world throughout the land
Spread the news from door to door
Holocaust, Holocaust never more!

HONORING THE RUTHERFORD VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Rutherford 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 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.

TRIBUTE TO MARCY VACURA SCHULTZ

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Ms. ESHOO. Mr. Speaker, I rise today to honor Marcy Vacura Schultz, a dedicated community leader from California's 14th Congressional District who is being honored by the 110 affiliated local unions of the Central Labor Council of San Mateo County, AFL–CIO, and their 65,000 members and families with the prestigious Unity Award.

Marcy Vacura Schultz is the business manager of the Building and Construction Trades Council of San Mateo County. She is the first woman to be elected to such a position in the United States. As a former flight attendant, she led 2,500 coworkers in a strike against a major airline in 1983. Based on her belief that female-dominated unions should be treated equally with male-dominated unions, she successfully lobbied the California Joint Legislature to pass a resolution in support of flight attendants and convinced then-Congresswoman Barbara Boxer to launch a national boycott of conscience against the airline. She worked with 12 cities and the board of supervisors to pass resolutions in support of protecting the existing California prevailing wage laws. She is currently working to assist the economic growth and development of the city of East Palo Alto.

Marcy Vacura Schultz has distinguished herself in San Mateo County in the labor movement. Since joining the Building Trades Council as assistant manager in 1987, she has worked with the Private Industry Council, the Advisory Council on Women, the County Economic Development Advisory Council and has been inducted into San Mateo County's Women's Hall of Fame. She was a founding member of the START program, a project designed to train women in nontraditional jobs, and currently serves on the board of directors of Shelter Network of San Mateo County, the County Expo Advisory Board, the Housing Task Force, and the County Leadership Council on the United Way.

Mr. Speaker, Marcy Vacura Schultz is an outstanding citizen of California's 14th Congressional District. I salute her for the commitment she brings to, and the contributions she has made to our community and the labor movement. I ask my colleagues to join me in saluting Ms. Schultz as she is awarded the prestigious Unity Award.

ATOMIC VETERANS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today in support of a group of forgotten cold war veterans who, along with their families, are suffering the after-affects of serving in the military during the nuclear age.

I am speaking of atomic veterans and their survivors. These service people were the ones called in to clean up after accidents involving nuclear weapons, apparently with little regard to their safety and long-term health.

While we may never fathom the number and full extent of these accidents, there are two we do know something about, thanks mainly to the diligence of many of the veterans involved in these cleanups who brought the truth to their fellow citizens.

One mishap occurred in Greenland in 1968, when a B–52 bomber carrying four 1.1 megaton bombs crashed, spreading radioactive debris across the frozen tundra. Service people, who were not even issued protective masks, reportedly picked up the deadly pieces with shovels, and in some cases, their bare hands.

In a 1962 incident, Navy personnel on Johnston Atoll in the Pacific were subjected to incredibly high levels of radioactive materials for days when a Thor rocket tipped with a 1.4 megaton warhead blew up on the launch pad during testing. Debris strewn about the atoll, including across the air strip, prevented the flight crews of a Navy air patrol squadron from leaving for days.

Veterans of this squadron suffer from various cancers, teeth and hair loss, sterility, joint disease, eyesight failure and reproductive problems. However, the most insidious manifestation of this problem may not be among these veterans, but in their children, who are also suffering from their parents' exposure. These children suffer from a variety of ailments, ranging from learning disabilities to congenital deformities, related to genetic damage to their parents who were stationed at these nuclear hot spots.

I believe that these children have suffered because of the negligence of our Government toward their parents, and therefore, am a cosponsor of H.R. 2401, the Atomic Veterans Survivors Benefits Act. The this much needed legislation was introduced by my good colleagues from Illinois, Mr. HYDE and Mr. FAWELL.

This bill would simply treat the children of atomic veterans suffering from these disabilities like veterans with service-related injuries in regard to compensation. Advocates for those who served at nuclear hot spots such as Johnston Atoll and Greenland include the Veterans Rights Coalition and the Alliance of Atomic Veterans.

Mr. Speaker, I encourage my colleagues to join me in supporting H.R. 2401. It is the least this country can do for those veterans and their children who have ended up as casualties of the cold war long after it ended.

TRIBUTE TO THE CREW OF THE COAST GUARD CUTTER ''BRAMBLE''

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. BONIOR. Mr. Speaker, I have the privilege to represent the constituents of the Tenth Congressional District in Michigan. This part of Michigan borders Lake Saint Clair, the Saint Clair River, and Lake Huron, one of the five Great Lakes. It is a beautiful area where our water resources are treasured as a source of recreation and commerce.

The ice that forms on these waters in the winter is always impressive. In the spring, the ice often becomes treacherous for the fans of ice fishing. And, in some years, the ice is a major inconvenience, not only to shipping, but to the residents of places like Harsen's Island.

Ice flows were particularly troublesome this spring. Mother Nature prevented the Harsen's Island ferry from operating, stranding the island's residents. Many freighters have had to wait near Detroit and Port Huron for the United States and Canadian Coast Guard ice cutters to clear a path. This year, the cutters' abilities were seriously challenged.

However, in keeping with the U.S. Coast Guard's vision as ''the world's premier maritime service,'' the crew of the *Bramble* was ''Sempter Paratus,'' always ready to perform their duties. In addition to breaking up the ice, the *Bramble* also provided emergency ferry service to the residents of Harsen's Island.

We are truly fortunate to have people committed to serving our nation as members of the Coast Guard. Regardless of conditions, these professionals stand ready to assist people 24 hours a day.

On behalf of the residents of Harsen's Island, and all of us who are grateful for the Coast Guard's devotion to duty, I ask that my colleagues join me in offering a sincere thank you to these ''Lifesavers and Guardians of the Sea,'' especially to the crew members of the *Bramble*.

BUREAU OF INDIAN AFFAIRS REORGANIZATION ACT OF 1996

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. HAYWORTH. Mr. Speaker, today I am introducing the Bureau of Indian Affairs Reorganization Act of 1996. This legislation will address the long-standing problem of an overly bureaucratic BIA which is often unresponsible to the trial constituencies it is supposed to serve.

Since its establishment in 1824, the BIA has functioned as the lead agency through which the Federal Government carries out its trust responsibilities to native Americans. However, the evidence shows that the BIA largely fails to meet these obligations. Recent reports indicate that the BIA cannot account for billions of dollars it was supposed to hold in trust for native Americans. The Interior Department Inspector General has reported that many BIA school facilities are very poorly maintained and, in some cases, native American children must attend classes in buildings that have been condemned.

Compounding these problems is the lack of tribal input into BIA priorities and operations. There have been several attempts to reorganize and reform the BIA, including, most recently, the Joint Tribal/BIA/DOI Reorganization Task Force. Despite the fact that the Joint Reorganization Task Force submitted its final recommendations in the fall of 1994, shortly thereafter the BIA proposed its own organizational reform plan. Most tribes opposed the BIA proposal, in large part because the BIA plan was not devised with tribal input and because it ignored several key recommendations of the Joint Reorganization Task Force which the tribes supported.

The legislation that I am introducing, the Bureau of Indian Affairs Reorganization Act of 1996, will address these issues by allowing tribes to assume certain functions of the BIA. The bill requires the BIA to enter into negotiations with tribes to reorganize the agency. Tribes in the jurisdiction of each BIA Area Office will be allowed to decide which functions the BIA will continue to provide, and which functions the tribes will take over. These decisions may differ from region to region, as some tribes are more willing and able than others to administer particular services. Tribes which choose to perform certain BIA functions will receive corresponding BIA funds. Before any negotiated reorganization plan for a BIA Area Office is implemented, it must be approved by a majority of tribes in that region.

As you can see, Mr. Speaker, this legislation does not prescribe a certain outcome to reorganization of the BIA, but instead requires the BIA to follow a particular process which respects the sovereignty of tribal governments and our trust responsibilities to native Americans. The Senate Committee on Indian Affairs has already approved legislation, authored by my colleague from Arizona, Senator JOHN MCCAIN, similar to the bill I am introducing today. I hope that my colleagues will join me in supporting this effort to reform the BIA.

HONORING THE PORTLAND VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Portland 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 JOHN F. HENNING

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Ambassador John F. ''Jack'' Henning, a distinguished leader who is being honored by the 110 affiliated local unions of the Central Labor Council of San Mateo County, AFL–CIO, and their 65,000 members and families.

John F. Henning has dedicated his life to fight for racial and economic equality for all working women and men in California, the Nation, and internationally. He began his successful career in the labor movement in1938 while working with the Association of Catholic Unionists in San Francisco. He continued his fight for working people of the Nation while serving in the highest offices of government as the State Labor Federation's research director, director of the State's industrial relations department, Under Secretary of Labor in both the Kennedy and Johnson administrations, and U.S. Ambassador to New Zealand.

John F. Henning has been one of the most eloquent spokespersons in our time for the rights of working people. John F. Henning's leadership has produced some of the great milestones in labor's history, from the passage of landmark proworker legislation in California, to gaining labor rights for farm workers, to fighting for affirmative action as a regent of the University of California, to leading the successful fight to have the university divest in apartheid South Africa.

Mr. Speaker, John F. Henning is an exceptional man who has graced the stage of our Nation's labor movement. I ask my colleagues to join me in honoring and saluting him for his leadership, his commitment and his dedication to the workers of our Nation.

REMARKS OF AMBASSADOR MADELEINE K. ALBRIGHT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. HAMILTON. Mr. Speaker, I take great pleasure in bringing to the attention of my colleagues excerpts from a speech recently delivered by our Ambassador to the United Nations, Madeleine K. Albright, at the Thomas Aquinas College in Sparkill, NY, on ''Initiatives for World Peace.'' Ambassador Albright was the guest speaker in The Honorable Benjamin Gilman Lecture Series sponsored by that college. I commend Congressman GILMAN for his leadership in foreign affairs and for inviting Ambassador Albright to speak at this important function. I ask that excerpts of her speech reviewing U.S. foreign policy initiatives and the U.S. role in the United Nations be included in the CONGRESSIONAL RECORD.

REMARKS OF AMBASSADOR MADELEINE K. ALBRIGHT, REPRESENTATIVE TO THE UNITED NATIONS

Dr. Fitzpatrick, Chairman Gilman, faculty, students and friends, I am delighted to be here. As a former professor, I get a little homesick every time I visit a university campus, especially a beautiful campus such as this, especially in spring.

So I feel very much at home. I am pleased to play a part in your celebration this week of Dr. Fitzpatrick's inauguration. And I am honored to deliver a lecture named for our mutual friend, Representative Ben Gilman.

I have known Ben Gilman for many yerars. Throughout his career, he has been a thoughtful and principled public servant and a virgorous advocate of American leadership around the world. He has been an especially strong defender of human rights. I hope that those of you who live in this District are as proud of your representative as I am sure he is of you.

This morning, I would like to discuss America's role at the United Nations within the context of our overall foreign policy, and with an eye towards past lessons, present realities and future challenges.

Today's threats include the spread of nuclear and other advanced arms, the rise of international criminal cartels, the poisoning of our environment, the mobility of epidemic disease, the persistence of ethnic conflict and—as we have seen too often in recent weeks—the deadly and cowardly threat of terror.

Despite all this, the trend towards isolationism in America is stronger today than it has been in 70 years. As I know Representative Gilman would agree, this trend must be rejected.

We must, of course, devote primary attention to problems at home. Our position in the world depends on good schools, a healthy economy, safe neighborhoods and the unity of our people.

Today, under President Clinton, we are called upon to develop a new framework—to

protect our citizens both from old and emerging threats and to reinforce principles that will carry us safely into the next century.

That framework begins with our armed services.

As we have seen in recent years in the Persian Gulf, Haiti and the Balkans, the U.S. military is the most potent instrument for international order and law in the world today. And it is keeping America safe.

That is why our armed forces must remain modern, mobile, ready and strong. And as President Clinton has pledged, they will.

America must also maintain vigorous alliances—and we are.

In Europe, the trans-Atlantic alliance is defying those who thought it would fall apart as soon as the Soviet empire disappeared. NATO air strikes played a key role in ending the Balkans War. And for the first time in history, there exists a real possibility of a fully democratic Europe, fully at peace.

In Asia, our core relationships with Japan and South Korea remain strong and our commitments are being met. During the President's visit to the Far East this week, he made it clear to North Korea that there is no future in military adventurism but that the door to multilateral discussion and negotiation is open. And he re-iterated our insistence that the problems between China and Taiwan must be resolved without violence.

This brings us to the third element in our foreign policy framework: creative diplomacy in support of peace. Here, our goal is to build an environment in which threats to our security and that of our allies are diminished, and the likelihood of American forces being sent into combat is reduced.

One way to do that is lower the level of armaments around the world. Last year, we were able to gain a global consensus to extend indefinitely and without conditions the Treaty barring new nations from developing nuclear weapons. That is a gift to the future.

Currently, we are working hard to build a similar consensus achieve the total elimination of anti-personnel landmines—weapons that kill or maim 26,000 people per year around the world, mostly innocent civilians.

This brings us to a fourth essential element in our foreign policy framework, and one of particular interest to me, and that is the United Nations.

The UN performs many indispensable functions, from establishing airplane safety standards to feeding children, but its most conspicuous role—and the primary reason it was established—is to help nations preserve peace.

The Clinton Administration has continued efforts, begun under President Bush, to improve and reform UN peacekeeping. We know that the better able the UN is to contain or end conflict, the less likely it is that we will have to send our own armed forces overseas.

UN peacekeepers have shown that they can separate rivals in strategic parts of the world, such as Cyprus, South Asia and the Persian Gulf.

They can assist democratic transitions as they have done successfully in Namibia, Cambodia, El Salvador, Mozambique and Haiti.

And they can save lives, ease suffering and lower the global tide of refugees, as they have done in Africa and former Yugoslavia.

During the Cold War, most UN peace missions were limited to separating rival forces, with their consent, until permanent peace agreements could be forged. Today's more complex operations include a menu of functions from humanitarian relief to disarming troops to repatriating refugees to laying the groundwork for national reconstruction.

There is a limit, however, to how ambitious these new peacekeeping mandates should be. The challenge of keeping a peace is far simpler than that of creating a secure environment in the midst of ongoing conflict. In Somalia and Bosnia, the Security Council sent forces equipped for peacekeeping into situations with which they could not cope. We are determined not to make that mistake again.

So, at out insistence, the Council has adopted rigorous guidelines for determining when to begin a peace operation. We are insisting on good answers to questions about cost, size, risk, mandate, and exit strategy before a mission is started or renewed.

We are also working to make the UN more professional.

Five years ago, the UN's peacekeeping office consisted of a handful of people—mostly civilians—working nine to five. Today, a 24 hour situation center links UN headquarters to the field and a host of military officers are on hand. A Mission Planning service helps assure that lessons learned from past missions are incorporated in future plans. And special units focused on training, civilian police, de-mining, logistics and financial management all contribute to an integrated whole.

The goal of these efforts is to design peacekeeping operations that don't go on forever, don't cost too much, don't risk lives unnecessarily and do give peoples wracked by conflict a chance to get back on their feet.

The UN's role in responding to conflicts and other emergencies is especially important now, when we have so many emergencies is especially important now, when we have so many of them. Like other eras of historical transition, ours is beset by political upheaval. The human costs are high. Over the past decade, the number of regional conflicts has quintupled and the population at risk is up sixty percent.

Americans are a generous people, but we could not begin to cope with such a crisis alone. Today, twenty-seven million people are under the care of the UN High Commissioner for Refugees. Millions more benefit from the efforts of the UN Development Program, the World Food Program and the UN Children's Fund.

Working with the Red Cross and other nongovernmental organizations, UN agencies provide the shelter, food, medicine and protection that help families displaced by violence or disaster to rebuild and resume normal lives. The work is always difficult and often dangerous. It is tempting to ask those who believe the U.S. should get out of the UN what their choice would be. Are they prepared to do this work themselves? Or would they simply let the displaced and impoverished die?

Peacekeeping and emergency response are two UN functions that contribute to our security and wellbeing; another is international economic sanctions.

Since the end of the Persian Gulf war, strict economic and weapons sanctions have been in place against Iraq. Our purpose has been to prevent that country from once again developing weapons of mass destruction or threatening its neighbors with aggression.

We do not wish to hurt the Iraqi people, but Saddam Hussein has still not formally accepted the chance we have offered to sell oil to buy humanitarian supplies. He continues to squander Iraq's money building palaces for his cronies. He continues to demonstrate ruthless brutality towards those who oppose him—even within his own family. And he continues to evade full compliance with the Resolutions of the UN Security Council.

Until last summer, Iraq denied outright the existence of a biological warfare program. Because the UN refused to accept that lie, Iraq finally confessed to producing more than 500,000 liters on anthrax and botulinin toxin—enough poison to kill everyone on Earth.

Before the Persian Gulf war, the Iraqis had placed much of this material in artillery shells, ready to use. The danger to American forces and to our allies could not have been more real. And that danger will remain real until we have hard evidence that this material and the capacity to produce it have been destroyed.

So the burden of proof is not on us; it is on Iraq. Iraq must demonstrate through actions, not words, that its intentions are now peaceful and that it respects the law of nations. After years of deceit, that proof will not come easy.

Saddam Hussein's complaints about the unfairness of all this remind me of the story about the schoolboy who came home with his face damaged and his clothes torn. When his mother asked him how the fight started, he said: ''It started when the other guy hit me back.''

From our perspective near millennium's end, we can look back at centuries of arrangements developed to deter aggression and prevent war. Before the UN, there was the League of Nations; before that the Congress of Vienna; before that the Treaty of Westphalia; before that medieval nonagression pacts; and before that the Peloponnesian League.

No perfect mechanism has been found. We have little reason to believe it ever will. Certainly, the UN is no panacea.

But, the UN does give us military and diplomatic options we would not otherwise have. It helps us to influence events without assuming the full burden of costs and risks. And it lends the weight of law and world opinion to causes and principles we support.

That is why former President Reagan urged us to ''rely more on multilateral institutions''. It is why former President Bush said recently that we should ''pay our debts to the UN.'' And it is why the Clinton Administration will continue to place a high priority on our leadership there.

Force, strong alliances, active diplomacy and viable international institutions all contribute to American security. But the final element in our foreign policy framework is even more fundamental. To protect American interests in the coming years and into the next century, we must remain true to American principles.

Some suggest that it is softheaded for the United States to take the morality of things into account when conducting foreign policy.

I believe a foreign policy devoid of moral considerations can never fairly represent the American people. It is because we have kept faith with our principles that, in most parts of the world, American leadership remains not only necessary, but welcome. And central to our principles is a commitment to democracy.

The great lesson of this century is that democracy is a parent to peace. Free nations make good neighbors. Compared to dictatorships, they are far less likely to commit acts of aggression, support terrorists, spawn international crime or generate waves of refugees.

Democracy is not an import; it must find its roots internally. But we can help to nourish those roots by opening the doors to economic integration, granting technical assistance, providing election monitors and backing efforts to build democratic institutions.

Not all of these tools work quickly, but none should be discounted. Remember that, for half a century, we refused to recognize the Soviet conquest of the Baltics. For decades, with Representative Ben Gilman in the lead, we pled the cause of emigration for

Syrian and Soviet Jews. And despite the resistance of some, the west ultimately joined the developing world in isolating South Africa's racist regime.

There were times when these efforts seemed almost hopeless. We could not stop the tanks that entered Budapest in 1956 or Prague 12 years later. We could not save the victims of apartheid. But over the past decade, almost two billion people, on five continents, in more than five dozen countries, have moved towards more open economic and political systems.

Today, a global network exists helping new democracies to succeed. America belongs at the head of this movement. For freedom is perhaps the clearest expression of national purpose and policy ever adopted—and it is America's purpose.

My own family came to these shores as refugees. Because of this nation's generosity and commitment, we were granted asylum after the Communist takeover of Czechoslovakia. The story of my family has been repeated in millions of variations over two centuries in the lives not only of immigrants, but of those overseas who have been liberated or sheltered by American soldiers, empowered by American assistance or inspired by American ideals.

I will remember all my life the day the PLO-Israeli agreement was signed. I will remember, in particular, something that was said by then-Israeli Foreign Minister Shimon Peres. When the history books are written, he said:

''Nobody will really understand the United States. You have so much force and you didn't conquer anyone's land. You have so much power and you didn't dominate another people. You have problems of your own and you have never turned your back on the problems of others.''

Now this generation, our generation, of Americans has a proud legacy to fulfill.

We have been given an opportunity, at the threshold of a new century, to build a world in which totalitarianism and fascism are defeated, in which human liberty is expanded, in which human rights are respected and in which our people are as secure as we can ever expect them to be.

By rejecting the temptations of isolation, and by standing with those who stand against terror and for peace around the world, we will advance our own interests; honor our best traditions; and help to answer a prayer that has been offered over many years in a multitude of tongues, in accordance with diverse customs, in response to a common yearning. We cannot guarantee peace; but we can—and will—do all we can to minimize the risks of peace.

That is our shared task as we prepare for the future.

And if we are together, it is a task in which we will surely succeed.

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S4369–S4447

Measures Introduced: Two bills and one resolution were introduced, as follows: S. 1717 and 1718, and S. Res. 253. **Pages S4425–26**

Measures Reported: Reports were made as follows:

S. 1718, to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System. (S. Rept. No. 104–258) **Page S4424**

Measures Passed:

Omnibus Appropriations—Corrections: Senate passed S.J. Res. 53, making corrections to Public Law 104–134. **Pages S4388–90**

Extradition of Mohammed Abbas: By a unanimous vote of 99 yeas (Vote No. 93), Senate agreed S. Res. 253, urging the detention and extradition to the United States by the appropriate foreign government of Mohammed Abbas for the murder of Leon Klinghoffer. **Pages S4399–S4400**

Private Relief: Senate passed S. 966, for the relief of Nathan C. Vance. **Page S4445**

American Foreign Service Day: Senate agreed to 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. **Page S4445**

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 S4377–88, S4390–99, S4401–18**

Adopted:

Simpson Amendment No. 3871 (to Amendment No. 3743), of a technical nature. **Page S4378**

Subsequently, the amendment was modified. **Page S4398**

By 62 yeas to 37 nays (Vote No. 91), Graham Amendment No. 3760 (to Amendment No. 3743), to condition the repeal of the Cuban Adjustment Act on a democratically elected government in Cuba being in power. **Pages S4377, S4379–84, S4397–98**

Simpson Amendment No. 3855 (to Amendment No. 3743), to phase in over six years the requirements for improved driver's licenses and State-issued I.D. documents. **Pages S4388, S4390–93, S4405–07**

Simpson Amendment No. 3857 (to Amendment No. 3743), to require consultation with other agencies in establishing grants to States to encourage development of birth and death records. **Pages S4388, S4390–93, S4405–07**

Simpson Amendment No. 3858 (to Amendment No. 3743), to provide that birth certificate regulations will go into effect two years after a report to Congress. **Pages S4388, S4390–93, S4405–07**

Simpson Amendment No. 3859 (to Amendment No. 3743), relating to the issuance of a social security account number. **Pages S4388, S4390–93, S4405–07**

Simpson Amendment No. 3860 (to Amendment No. 3743), to revise the definition of birth certificate. **Pages S4388, S4390–93, S4405–07**

Simpson Amendment No. 3861 (to Amendment No. 3743), to require a report to Congress on ways to reduce fraudulent use of birth certificates. **Pages S4388, S4390–93, S4405–07**

Simpson Amendment No. 3862 (to Amendment No. 3743), to establish limitations on the acceptance of birth certificates. **Pages S4388, S4390–93, S4405–07**

Kennedy Modified Amendment No. 3829 (to Amendment No. 3743), to allocate a number of investigators to investigate complaints relating to labor certifications. **Pages S4393, S4407–08, S4415, S4417**

Rejected:

By 36 yeas to 63 nays (Vote No. 92), Graham/Specter Amendment No. 3803 (to Amendment No.

3743), to clarify and enumerate specific public assistance programs with respect to which the deeming provisions apply. **Pages S4377, S4398**

By 46 yeas to 53 nays (Vote No. 94), Kennedy Amendment No. 3820 (to Amendment No. 3743), to provide exceptions to the sponsor deeming requirements for legal immigrants for programs for which illegal aliens are eligible, and Kennedy Amendment No. 3823 (to Amendment No. 3743), to provide exceptions to the definition of public charge for legal immigrants when public health is at stake, for school lunches, and for child nutrition programs. **Pages S4384, S4401–04**

By 47 yeas to 52 nays (Vote No. 95), Kennedy Amendment No. 3822 (to Amendment No. 3743), to exempt children, veterans, and pregnant mothers from the sponsor deeming requirements under the Medicaid program. **Pages S4384, S4404**

By 32 yeas to 67 nays (Vote No. 96), Kennedy Amendment No. 3816 (to Amendment No. 3743), to enable employers to determine work eligibility of prospective employees without fear of being sued. **Pages S4393–94, S4410–12, S4416**

By 36 yeas to 63 nays (Vote No. 97), Simon Amendment No. 3809 (to Amendment No. 3743), to adjust the definition of public charge. **Pages S4396, S4408–10, S4416–17**

By 42 yeas to 57 nays (Vote No. 98), Feinstein/Simon Amendment No. 3776 (to Amendment No. 3743), to strike the provision relating to the language of deportation notice. **Pages S4414, S4417–18**

Pending:

Dole (for Simpson) Amendment No. 3743, of a perfecting nature. **Page S4377**

Simpson Amendment No. 3853 (to Amendment No. 3743), relating to pilot projects on systems to verify eligibility for employment in the United States and to verify immigration status for purposes of eligibility for public assistance or certain other government benefits. **Pages S4388, S4390**

Simpson Amendment No. 3854 (to Amendment No. 3743), to define ''regional project'' to mean a project conducted in an area which includes more than a single locality but which is smaller than an entire State. **Pages S4388, S4390**

Simon Amendment No. 3810 (to Amendment No. 3743), to exempt from deeming requirements immigrants who are disabled after entering the United States. **Pages S4396–97**

Feinstein/Boxer Amendment No. 3777 (to Amendment No. 3743, to provide funds for the construction and expansion of physical barriers and improvements to roads in the border area near San Diego, California. **Pages S4412–13**

Reid Amendment No. 3865 (to Amendment No. 3743), to authorize asylum or refugee status, or the withholding of deportation, for individuals who have been threatened with an act of female genital mutilation. **Pages S4414–15**

A unanimous-consent agreement was reached providing for the consideration of certain further amendments to be proposed to Amendment No. 3743, listed above. **Page S4418**

Senate will continue consideration of the bill on Wednesday, May 1, 1996, with a cloture vote scheduled to occur thereon.

Chemical Weapons Convention: Pursuant to the consent agreement of December 7, 1995, Committee on Foreign Relations reported the resolution of ratification with respect to the Chemical Weapons Convention (Treaty Doc. 103–21), with 7 conditions and 11 declarations. **Pages S4424–25**

Messages From the House: **Page S4423**

Communications: **Pages S4423–24**

Executive Reports of Committees: **Pages S4424–25**

Additional Cosponsors: **Pages S4425–26**

Amendments Submitted: **Pages S4426–43**

Notices of Hearings: **Page S4443**

Authority for Committees: **Page S4443**

Additional Statements: **Pages S4443–45**

Record Votes: Eight record votes were taken today. (Total—98) **Pages S4397–98, S4398, S4399–S4400, S4404, S4416, S4417, S4417–18**

Adjournment: Senate convened at 9 a.m., and adjourned at 9:32 p.m., until 9 a.m., on Wednesday, May 1, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S4445–47.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS

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 their respective activities from Karl N. Stauber, Under Secretary for Research, Education and Economics, Floyd P. Horn, Administrator, Agricultural Research Service, Robert H. Robinson, Administrator, Cooperative State Research, Education, and Extension Service, Susan Offutt, Administrator, Economic Research Service, Donald Bay, Administrator, National Agricultural

Statistics 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 Thursday, May 2.

APPROPRIATIONS—FEMA

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies held hearings on proposed budget estimates for fiscal year 1997 for the Federal Emergency Management Agency, receiving testimony from James Lee Witt, Director, Federal Emergency Management Agency.

Subcommittee will meet again on Friday, May 3.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Readiness approved for full committee consideration those provisions which fall under its jurisdiction of proposed legislation authorizing funds for fiscal year 1997 for national defense programs.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Acquisition and Technology met in closed session and approved for full committee consideration those provisions which fall under its jurisdiction of proposed legislation authorizing funds for fiscal year 1997 for national defense programs.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland Forces met in closed session and approved for full committee consideration those provisions which fall under its jurisdiction of proposed legislation authorizing funds for fiscal year 1997 for national defense programs.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on SeaPower met in closed session and approved for full committee consideration those provisions which fall under its jurisdiction of proposed legislation authorizing funds for fiscal year 1997 for national defense programs.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Strategic Forces met in closed session and approved for full committee consideration those provisions which fall under its jurisdiction of proposed legislation authorizing funds for fiscal year 1997 for national defense programs.

DOLPHIN CONSERVATION

*Committee on Commerce, Science, and Transportation:*Subcommittee on Oceans and Fisheries concluded hearings on S. 1420, to implement an international agreement on the protection of dolphins and harvest of tuna in the eastern tropical Pacific Ocean, after receiving testimony from Senators Boxer, Biden, and Chafee; David A. Colson, Deputy Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs; Will Martin, Deputy Assistant Secretary for International Affairs, and Liz Edwards, Director, Dolphin Programs, National Marine Fisheries, both of the National Oceanic and Atmospheric Administration, Department of Commerce; James Joseph, Inter-American Tropical Tuna Commission, La Jolla, California; Nina Young, Center for Marine Conservation, Jeffrey R. Pike, Dolphin Safe/Fair Trade Campaign, and Lori Wallach, Public Citizen/Citizens Trade Campaign, all of Washington, D.C.; and Mary Walker, Broebeck, Phleger & Harrison, San Diego, California.

NOMINATIONS

Committee on Foreign Relations: Committee concluded 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 Brunei Darussalam, after the nominees testified and answered questions in their own behalf.

AVIATION SAFETY

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management and the District of Columbia concluded hearings to examine aviation safety issues, focusing on the training and supervision of Federal Aviation Administration inspectors, after receiving testimony from Gerald L. Dillingham, Associate Director, Transportation and Telecommunications Issues, and Bonnie Beckett-Hoffman and Steve Calvo, both Senior Evaluators, all of the Resources, Community, and Economic Development Division, General Accounting Office; and Raymond J. DeCarli, Assistant Inspector General for Auditing, Lawrence H. Weintrob, Deputy Assistant Inspector General for Auditing, and John L. Meche, Regional Manager (Region 6), all of the Office of Inspector General, and David R. Hinson, Administrator, Anthony J. Broderick, Associate Administrator for Regulation and Certification, and Thomas C. Accardi, Director of Flight Standards Service, all of the Federal Aviation Administration, all of the Department of Transportation; and two protected witnesses.

AFFIRMATIVE ACTION IN CALIFORNIA

Committee on the Judiciary: Committee held hearings to examine Federal policies and practices with regard to racial, ethnic, and gender preferences, focusing on certain California affirmative action cases, receiving testimony from California Governor Pete Wilson, and Ward Connerly, on behalf of California Civil Rights Initiative, both of Sacramento; Audrey Rice Oliver, Integrated Business Solutions, Inc., San Ramon, California; Erwin Chemerinsky, University of Southern California Law Center, Los Angeles; Linda Chavez, Center for Equal Opportunity, Washington, D.C.; and Lee Cheng, Berkeley, California.

Hearings were recessed subject to call.

EQUAL OPPORTUNITY ACT

Committee on Labor and Human Resources: Committee held 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, receiving testimony from Representatives Campbell and Canady; District of Columbia Delegate Norton; Deval Patrick, Assistant Attorney General, Civil Rights Division, Department of Justice; and Jorge Amselle, Center for Equal Opportunity, and Marcia D. Greenberger, National Women's Law Center, both of Washington, D.C.

Hearings were recessed subject to call.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again on Thursday, May 2.

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 Johnny Mitchum, Tommy Goodwin, John Myers, Paul Young, Sam Bratton, and Michael Gaines, all of Little Rock, Arkansas; and Bob Nash, Washington, D.C.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 21 public bills, H.R. 3349–3369; 2 private bills, H.R. 3370–3371; and 2 resolutions, H.J. Res. 177, and H. Con. Res. 168 were introduced. **Pages H4302–03**

Reports Filed: Reports were filed as follows:

H.R. 3286, to help families defray adoption costs, and to promote the adoption of minority, amended (H. Rept. 104–542 Part 1);

H. Res. 418, providing for consideration of the bill (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 (H. Rept. 104–543);

H. Res. 419, providing for consideration of the bill (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 (H. Rept. 104–544); and

Conference report on S. 641, to reauthorize the Ryan White CARE Act of 1990 (H. Rept. 104–545). **Pages H4287–99, H4301–02**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Weller to act as Speaker pro tempore for today. **Page H4121**

Recess: House recessed at 1:24 p.m. and reconvened at 2 p.m. **Page H4130**

Public Law Correction: House passed S.J. Res. 53, making corrections to P.L. 104–134. **Page H4131**

National Forest Ski Area Permits: House voted to suspend the rules and pass H.R. 1527, amended, 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.

Pages H4137–38

Recess: House recessed at 3:36 p.m. and reconvened at 5 p.m. **Page H4151**

American Overseas Interests Act: By a yea-and-nay vote of 234 yeas to 188, nays, Roll No. 136, House voted to sustain 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 (two-thirds of those present not voting to override). **Pages H4151–61**

Suspensions: House voted to suspend the rules and pass the following measures:

Helium Act: H.R. 3008, to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands (passed by a yea-and-nay vote of 411 yeas, Roll No. 137); and

Pages H4138–51, H4161–62

Central Utah Water Project Completion Act: H.R. 1823, amended, 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 (passed by a yea-and-nay vote of 412 yeas, Roll No. 138).

Pages H4135–37, H4162–63

Late Report: Conferees received permission to have until midnight tonight to file a conference report on S. 641, to reauthorize the Ryan White CARE Act of 1990. **Page H4163**

Amendments: Amendments ordered printed pursuant to the rule appear on page H4304.

Senate Message: Message received from the Senate today appears on page H4131.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H4160–61, H4161–62, and H4162. There were no quorum calls.

Adjournment: Met at 12 noon and adjourned at 10:35 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 National Oceanographic and Atmospheric Administration; Marine Mammal Commission; State, Oceans and Environmental Science, Fisheries and on the USIA. Testimony was heard from D. James Baker, Under Secretary, Oceans and Atmosphere, Department of Commerce; Eileen B. Clausen, Assistant Secretary, Oceans and Environmental Science and Scientific Affairs, Department of State; John E. Reynolds, Chairman, Marine Mammal Commission; and the following officials of the USIA: Joseph D. Duffey, Director; and David W. Burke, Chairman, Broadcasting Board of Governors.

FOREIGN OPERATIONS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on Security Assistance. Testimony was heard from Lynn Davis, Under Secretary, Arms Control and International Security Affairs, Department of State; and Walt Slocombe, Under Secretary, Policy, Department of Defense.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on Agency for Health Care Policy and Research, Health Care Financing Administration, and on SSA. Testimony was heard from the following officials of the Department of Health and Human Services: Clifton R. Gaus, Administrator, Agency for Health Care Policy and Research; and Bruce C. Vladek, Administrator, Health Care Financing Administration; and Shirley S. Chater, Commissioner, Social Security, SSA.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government concluded appropriation hearings. Testimony was heard from Congressional and public witnesses.

VETERANS AFFAIRS-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies held a hearing on Community Development Financial Institutions, the National Credit Union Administration, the Neighborhood Reinvestment Corporation, and the Office of Science and Technology Policy. Testimony was heard from Kirsten Moy, Director, Community Development Financial Institutions, Department of the Treasury; Norman E. D'Amours, Chairman, National Credit Union Administration, George Knight, Director, Neighborhood Reinvestment Corporation; and John H. Gibbons, Director, Office of Science and Technology Policy.

FINANCIAL INSTITUTION REGULATORY SYSTEM

Committee on Banking and Financial Services: Held a hearing on the Federal financial institution regulatory system. Testimony was heard from Edward W. Kelley, Jr., member, Board of Governors, Federal

Reserve System; and following officials of the Department of the Treasury: Eugene Ludwig, Comptroller, Office of the Comptroller of the Currency; and Jonathan Fiechter, Acting Director, Office of Thrift Supervision; and public witnesses.

Hearings continue May 2.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Committee on Economic and Educational Opportunities: Subcommittee on Early Childhood, Youth and Families held a hearing on Youth Violence, Gangs and the Juvenile Justice and Delinquency Prevention Act. Testimony was heard from Representatives McCollum and Waters; Tom Corbett, Attorney General, State of Pennsylvania; and public witnesses.

VETERANS PREFERENCES

Committee on Government Reform and Oversight: Subcommittee on Civil Service held a hearing on Veterans Preference. Testimony was heard from Representatives Buyer and Fox; and public witnesses.

OVERSIGHT—GAO

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information and Technology held an oversight hearing on the GAO. Testimony was heard from John Koskinen, Deputy/Director, Management, OMB; Charles A. Bowsher, Comptroller General, GAO; and public witnesses.

TEEN PREGNANCY PREVENTION

Committee on Government Reform and Oversight: Subcommittee on Human Resources and Intergovernmental Relations held a hearing on Preventing Teen Pregnancy: Coordinating Community Efforts. Testimony was heard from Representatives Clayton and Johnson of Connecticut; Henry Foster, Jr., M.D., Senior Advisor to the President on Teen Pregnancy, White House Liaison to the National Campaign to Prevent Teen Pregnancy; Kathleen Kennedy Townsend, Lt. Gov., State of Maryland; and public witnesses.

RUSSIAN ORGANIZED CRIME

Committee on International Relations: Held a hearing on the Threat from Russian organized Crime. Testimony was heard from John Deutch, Director, CIA; Louis Freeh, Director, FBI, Department of Justice; Eric Seidel, Deputy Attorney General in Charge, Organized Crime Task Force, State of New York; and a public witness.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Procurement approved for full Committee action H.R. 3230, National Defense Authorization Act for Fiscal Year 1997.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Research and Development approved for full Committee action as amended H.R. 3230, National Defense Authorization Act for Fiscal Year 1997.

OVERSIGHT—FOREST SERVICE RIVER MANAGEMENT

Committee on Resources: Subcommittee on National Parks, Forests and Lands held an oversight hearing on the Forest Service's river management policies for the Green River and Hells Canyon. Testimony was heard from the following officials of the USDA: James R. Lyons, Under Secretary, Natural Resources and Environment; Jack Ward Thomas, Chief, Forest Service; Lyle Laverty, Director, Recreation, Heritage and Wilderness Resources Management; Bert Kulesza, Forest Supervisor, Ashley National Forest; and Bob Richmond, Forest Supervisor, Wallowa-Whitman National Forest; and public witnesses.

OCEAN SHIPPING REFORM ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2149, Ocean Shipping Reform Act of 1995. The rule provides for the consideration of a manager's amendment to be printed in part 1 of the report of the Committee on Rules to accompany the resolution, which is considered as read, may amend portions of the bill not yet read for amendment, is debatable for 10 minutes equally divided between the proponent and an opponent, and shall not be subject to amendment or to a division of the question.

If adopted, the amendment is considered as part of the base text for further amendment purposes. The rule waives clause 7 of rule XVI (germaneness) against the manager's amendment printed in part 1 of the report. The rule provides that the bill, as amended, shall be considered by title rather than by section, and that the first section and each title shall be considered as read.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the *Congressional Record.* The rule further provides that the amendment be printed in part 2 of the report shall be considered as read, may amend portions of the bill to yet read for amendment, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Shuster and Representatives Coble, Oberstar, and Stupak.

UNITED STATES MARSHALS SERVICE IMPROVEMENT ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2641, United States Marshals Service Improvement Act of 1996. The rule makes in order the Judiciary Committee amendment in the nature of a substitute as an original bill for the purpose of amendment, and provides that each section shall be considered as read. The rule authorizes the Chair to accord priority in recognition to members who have preprinted their amendments in the *Congressional Record,* if otherwise consistent with the House rules, and provides that preprinted amendments shall be considered as read. The rule provides one motion to recommit, with or without instructions. Finally, the rule provides that after passage of the House bill, it will be in order to take up the Senate bill, to, move to insert the House-passed provisions in the Senate bill, and to move to request a conference with the Senate. Testimony was heard from Representative McCollum.

UNITED STATES AVIATION RELATIONSHIP WITH THE U.K. AND JAPAN

Committee on Transportation and Infrastructure: Subcommittee on Aviation continued hearings on Problems in the U.S. Aviation Relationship with the United Kingdom and Japan. Testimony was heard from Charles A. Hunnicutt, Assistant Secretary, Aviation and International Affairs, Department of Transportation; and public witnesses.

OVERSIGHT

Committee on Veterans' Affairs: Subcommittee on Compensation, Pension, Insurance, and Memorial Affairs held a hearing on access to treatment and compensation for veterans exposed to ionizing radiation. Testimony was heard from John R. Vogel, Under Secretary, Benefits, Department of Veterans Affairs; Joan Ma Pierre, Director, Electronics and Systems, Defense Nuclear Agency, Department of Defense; and public witnesses.

FUTURE DIRECTIONS IN THE MEDICARE PROGRAM

Committee on Ways and Means: Subcommittee on Health held a hearing on recommendations regarding future directions in the Medicare program. Testimony was heard from Representative Shays; Joseph P. Newhouse, Chairman, Prospective Payment Assessment Commission; Gail R. Wilensky, Chair, Physician Payment Review Commission; and Janet L. Shikles, Assistant Comptroller General, Health, Education, and Human Services Division, GAO.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 1, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, 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, 10 a.m., SD–192.

Committee on Armed Services, 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.

Committee on Commerce, Science, and Transportation, Subcommittee on Aviation, to hold hearings to examine airport revenue diversion, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources, business meeting, to consider pending calendar business, 9:30 a.m., SD–366.

Committee on Foreign Relations, Subcommittee on African Affairs, to hold hearings on develop assistance to Africa, 2 p.m., SD–419.

Committee on the Judiciary, to hold hearings to review the national drug control strategy, 10:30 a.m., SD–226.

Committee on Labor and Human Resources, 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 Small Business, 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.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to continue hearings to examine certain issues relative to the Whitewater Development Corporation, 10 a.m., SH–216.

House

Committee on Appropriations, 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.

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.

Subcommittee on National Security, on Congressional and public witnesses, 10 a.m., and 1:30 p.m., H–140 Capitol.

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.

Committee on Banking and Financial Services, 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, 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 Regulation, 10 a.m., 2322 Rayburn.

Subcommittee on Health and Environment, hearing 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, 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, 10:30 a.m., 2175 Rayburn.

Committee on House Oversight, to consider H. Res. 417, providing amounts for the expenses of the select subcommittee on the United States role in Bosnia of the Committee on International Relations in the 2d session of the 104th Congress, 1 p.m., 1310 Longworth.

Committee on International Relations, Subcommittee on Africa, hearing on A Current Assessment of the Peace Process in Angola, 2 p.m., 2200 Rayburn.

Committee on National Security, 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 Rules, to consider the Conference Report to accompany S. 641, to reauthorize the Ryan White CARE Act of 1990; and to hold a hearing on H. Res. 416, establishing a select subcommittee of the Committee on International Relations to investigate the U.S. role in Iranian arms transfers to Croatia and Bosnia, 4 p.m., H–313 Capitol.

Committee on Science, 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.

Committee on Small Business, hearing on Small Business' Access to Capital: Role of Banks in Small Business Financing, 10 a.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on H.R. 3267, Child Pilot Safety Act, 1 p.m., 2176 Rayburn.

Committee on Ways and Means, to markup H.R. 3286, Adoption Promotion and Stability Act of 1996; followed by a hearing on the Impact on State and Local Governments and Tax-Exempt Entities of Replacing the Federal Income Tax, 9:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on FY 1997 authorization, with emphasis on covert action, 10 a.m., and, executive, and on the FY 1997 authorization, with emphasis on legislative issues, 1 p.m., H–405 Capitol.

Next Meeting of the SENATE

9 a.m., Wednesday, May 1

Senate Chamber

Program for Wednesday: After the recognition of one Senator for a speech, Senate will resume consideration of S. 1664, Immigration Reform.

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Wednesday, May 1

House Chamber

Program for Wednesday: Consideration of H.R. 2149, Ocean Shipping Reform Act of 1995 (open rule, 1 hour of general debate); and

Consideration of H.R. 2641, U.S. Marshals Service Improvement Act of 1996 (open rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

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